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DOC#1 APPLICABLE CODES AND RULE

1. Constitution, Article IV, §2:

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in these several States.

2. Constitution, First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

3. Constitution, Fourteenth Amendment §1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

4. 28 USCS §455

Disqualification of justice, judge, or magistrate [magistrate judge]:

- a. Any justice, judge, or magistrate [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
- b. He shall also disqualify himself in the following circumstances:
 - i. Where he has a personal bias or prejudice

concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is acting as a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Is acting as a lawyer in the proceeding

... (iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; [omitted]

c. A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests

d. For the purposes of this section the following words or phrases shall have the meaning indicated:

i. "proceeding" includes pretrial, trial, appellate review, or other stages of litigation;

5. Judicial Conference of the United States, Committee on Code of Conduct for United States Judges, Compendium of Selected Opinions § 3.6-6[1] (Apr. 2013):

When a judge or judicial nominee is named as a defendant and his credibility or personal or

financial interests are at issue, all judges of the same district should recuse, unless the litigation is patently frivolous or judicial immunity is clearly applicable.

6. Calif. Gov. Code §6200

Every officer having the custody of any record, map, or book, or of any paper or proceeding of any court, filed or deposited in any public office, or placed in his or her hands for any purpose, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years if, as to the whole or any part of the record, map, book, paper, or proceeding, the officer willfully does or permits any other person to do any of the following:

- (a) Steal, remove, or secrete.
- (b) Destroy, mutilate, or deface.
- (c) Alter or falsify.

(Amended by Stats. 2011, Ch. 15, Sec. 129. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

7. Calif. Gov. Code §6201.

Every person not an officer referred to in Section 6200, who is guilty of any of the acts specified in that section, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(Amended by Stats. 2011, Ch. 15, Sec. 130. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by

Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

8. Calif. Gov. Code §6203.

(a) Every officer authorized by law to make or give any certificate or other writing is guilty of a misdemeanor if he or she makes and delivers as true any certificate or writing containing statements which he or she knows to be false.

(b) Notwithstanding any other limitation of time described in Section 802 of the Penal Code, or any other provision of law, prosecution for a violation of this offense shall be commenced within four years after discovery of the commission of the offense, or within four years after the completion of the offense, whichever is later.

(c) The penalty provided by this section is not an exclusive remedy, and does not affect any other relief or remedy provided by law.

(Amended by Stats. 2007, Ch. 399, Sec. 3. Effective January 1, 2008.)

9. Calif. Government Code §68150:

"(a) Trial court records may be created, maintained, and preserved..

(d) No additions, deletions, or changes shall be made to the content of court records, except as authorized by statute or the California Rules of Court.

(b) A court record created, maintained, preserved, or reproduced in accordance with subdivisions (a) and (c) shall be stored in a manner and in a place that reasonably ensures its preservation against loss, theft, defacement, or destruction for the prescribed retention period under Section 68152.

(j) Unless access is otherwise restricted by law, court records created, maintained, preserved, or reproduced under subdivisions (a) and (c) shall be made reasonably accessible to all members of the public for viewing and duplication as the paper records would have been accessible.

Unless access is otherwise restricted by law, court records maintained in electronic form shall be viewable at the court, regardless of whether they are also accessible remotely.

Reasonable provision shall be made for duplicating the records at cost. Cost shall consist of all costs associated with duplicating the records as determined by the court.

10. Calif. Gov. Code §68151(a)(3)

provides that court records include "Other records listed under subdivision (g) of Section 68152."

11. Calif. Gov. Code §68152

(g)(16) provides "(16) Register of actions or docket: retain for the same retention period as for records in the underlying case, but in no event less than 10 years for civil and small claims cases."

12. Calif. Penal Code §96.5

(a) Every judicial officer, court commissioner, or referee who commits any act that he or she knows prevents or obstructs justice, is guilty of a public offense punishable by imprisonment in a county jail for not more than one year.

(b) Nothing in this section prohibits prosecution under paragraph (5) of subdivision (a) of Section 182 of the Penal Code or any other law.

13. Calif. Code of Civil Pro. §170.

A judge has a duty to decide any proceeding in which he or she is not disqualified.

14. Calif. Code of Civil Pro §170.1.

(a) A judge shall be disqualified if any one or more of the following are true:

(1) (A) The judge has personal knowledge of disputed evidentiary facts concerning the proceeding.

(2) (A) The judge served as a lawyer in the proceeding, or in any other proceeding involving the same issues he or she served as a lawyer for a party in the present proceeding **or gave advice** to a party in the present proceeding upon a matter involved in the action or proceeding.

(B) A judge shall be deemed to have served as a lawyer in the proceeding if within the past two years:

(i) A party to the proceeding, or **an officer**, director, or trustee **of a party**, was a client of the judge when the judge was in the private practice of law or a client of a lawyer with whom the judge was associated in the private practice of law.

(ii) A lawyer in the proceeding was associated in the private practice of law with the judge.

(C) A judge who served as a lawyer for, **or officer of**, a public agency that is a party to the proceeding shall be deemed to have served as a lawyer in the proceeding if he or she personally advised or in any way represented the public agency concerning the factual or legal issues in the proceeding.

(3) (A) The judge has a **financial interest** in the subject matter in a proceeding or in a party to the proceeding.

(C) A judge has a duty to make reasonable efforts to inform himself or herself about his or her personal

and fiduciary interests and those of his or her spouse and the personal financial interests of children living in the household.

(4) **The judge**, or the spouse of the judge, or a person within the third degree of relationship to either of them, or the spouse of such a person **is a party to the proceeding** or an officer, director, or trustee of a party.

(6) (A) For any reason:

- (i) The judge believes his or her recusal would further the interests of justice.
- (ii) The judge believes there is a substantial doubt as to his or her capacity to be impartial.
- (iii) A person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial.

(8) (A) The judge has a current arrangement concerning prospective employment or other compensated service as a dispute resolution neutral or is participating in, or, within the last two years has participated in, discussions regarding prospective employment or service as a dispute resolution neutral, or has been engaged in that employment or service, and any of the following applies:

- (i) The arrangement is, or **the prior employment** or discussion was, **with a party to the proceeding**.
- (ii) The matter before the judge includes issues relating to the enforcement of either an agreement to submit a dispute to an alternative dispute resolution process or an award or other final decision by a dispute resolution neutral.

(B) For the purposes of this paragraph, all of the following apply:

(ii) "Party" includes the parent, subsidiary, or other legal affiliate of any entity that is a party and is involved in the transaction, contract, or facts that gave rise to the issues subject to the proceeding.

(9) (A) The judge has received a contribution in excess of one thousand five hundred dollars (\$1500) from a party or lawyer in the proceeding, and either of the following applies:

(B) Notwithstanding subparagraph (A), the judge **shall be disqualified based on a contribution** of a lesser amount if subparagraph (A) of paragraph (6) applies.

(C) **The judge shall disclose** any contribution from a party or lawyer in a matter that is before the court that is required to be reported under subdivision (f) of Section 84211 of the Government Code, even if the amount would not require disqualification under this paragraph. The manner of disclosure shall be the same as that provided in Canon 3E of the Code of Judicial Ethics.

(Amended by Stats. 2010, Ch. 686, Sec. 1. (AB 2487) Effective January 1, 2011.)

15. Calif. Code of Civil Procedure §170.3

(a) (1) If a judge determines himself or herself to be disqualified, the judge shall notify the presiding judge of the court of his or her recusal and shall not further participate in the proceeding, except as provided in Section 170.4, unless his or her disqualification is waived by the parties as provided in subdivision (b).

(2) If the judge disqualifying himself or herself is the only judge or the presiding judge of the court, **the notification shall be sent** to the person having

authority to assign another judge to replace the disqualified judge.

(b) (1) **A judge who determines himself or herself to be disqualified after disclosing the basis** for his or her disqualification on the record may ask the parties and their attorneys whether they wish to waive the disqualification, except where the basis for disqualification is as provided in paragraph (2). A waiver of disqualification shall recite the basis for the disqualification, and is effective only when signed by all parties and their attorneys and filed in the record.

(2) There shall be no waiver of disqualification if the basis therefor is either of the following:

(A) The judge has a personal bias or prejudice concerning a party.

(B) The judge served as an attorney in the matter in controversy, or the judge has been a material witness concerning that matter.

(4) If grounds for disqualification are first learned of or arise after the judge has made one or more rulings in a proceeding, but before the judge has completed judicial action in a proceeding, the judge shall, unless the disqualification be waived, disqualify himself or herself, but in the absence of good cause the rulings he or she has made up to that time shall not be set aside by the judge who replaces the disqualified judge.

(c) (1) **If a judge who should disqualify himself or herself refuses or fails to do so, any party may file with the clerk a written verified statement** objecting to the hearing or trial before the judge and setting forth the facts constituting the grounds for disqualification of the judge. The

statement shall be presented at the earliest practicable opportunity after discovery of the facts constituting the ground for disqualification. Copies of the statement shall be served on each party or his or her attorney who has appeared and shall be personally served on the judge alleged to be disqualified, or on his or her clerk, provided that the judge is present in the courthouse or in chambers.

(2) Without conceding his or her disqualification, a judge whose impartiality has been challenged by the filing of a written statement may request any other judge agreed upon by the parties to sit and act in his or her place.

(3) **Within 10 days after the filing or service, whichever is later, the judge may file a consent to disqualification** in which case the judge shall notify the presiding judge or the person authorized to appoint a replacement of his or her recusal as provided in subdivision (a), or the judge may file a written verified answer admitting or denying any or all of the allegations contained in the party's statement and setting forth any additional facts material or relevant to the question of disqualification. The clerk shall forthwith transmit a copy of the judge's answer to each party or his or her attorney who has appeared in the action.

(4) **A judge who fails to file a consent or answer within the time allowed shall be deemed to have consented to his or her disqualification and the clerk shall notify** the presiding judge or person authorized to appoint a replacement of the recusal as provided in subdivision (a).

(5) A judge who refuses to recuse himself or herself **shall not pass upon his or her own**

disqualification or upon the sufficiency in law, fact, or otherwise, of the statement of disqualification filed by a party. In that case, the question of disqualification shall be heard and determined by another judge agreed upon by all the parties who have appeared or, in the event they are unable to agree within five days of notification of the judge's answer, by a judge selected by the chairperson of the Judicial Council, or if the chairperson is unable to act, the vice chairperson. The clerk shall notify the executive officer of the Judicial Council of the need for a selection. The selection shall be made as expeditiously as possible. No challenge pursuant to this subdivision or Section 170.6 may be made against the judge selected to decide the question of disqualification.

(6) The judge deciding the question of disqualification may decide the question on the basis of the statement of disqualification and answer and any written arguments as the judge requests, or the judge may set the matter for hearing as promptly as practicable. If a hearing is ordered, the judge shall permit the parties and the judge alleged to be disqualified to argue the question of disqualification and shall for good cause shown hear evidence on any disputed issue of fact. If the judge deciding the question of disqualification determines that the judge is disqualified, the judge hearing the question shall notify the presiding judge or the person having authority to appoint a replacement of the disqualified judge as provided in subdivision (a).

(d) The determination of the question of the disqualification of a judge is not an appealable order and may be reviewed only by a writ of mandate from

the appropriate court of appeal sought only by the parties to the proceeding. The petition for the writ shall be filed and served within 10 days after service of written notice of entry of the court's order determining the question of disqualification. If the notice of entry is served by mail, that time shall be extended as provided in subdivision (a) of Section 1013.

(Amended by Stats. 2006, Ch. 567, Sec. 4. Effective January 1, 2007.)

16. Calif. Code of Civil Procedure §1005

(a) Written notice shall be given, as prescribed in subdivisions (b) and (c), for the following motions:

(1) Notice of Application and Hearing for Writ of Attachment under Section 484.040.

(2) Notice of Application and Hearing for Claim and Delivery under Section 512.030.

(3) Notice of Hearing for Claim of Exemption under Section 706.105.

(4) Motion to Quash Summons pursuant to subdivision (b) of Section 418.10.

(5) Motion for Determination of Good Faith Settlement pursuant to Section 877.6.

(6) Hearing for Discovery of Peace Officer Personnel Records in a civil action pursuant to Section 1043 of the Evidence Code.

(7) Notice of Hearing of Third-Party Claim pursuant to Section 720.320.

(8) Motion for an Order to Attend Deposition more than 150 miles from deponent's residence pursuant to Section 2025.260.

(9) Notice of Hearing of Application for Relief pursuant to Section 946.6 of the Government Code.

(10) Motion to Set Aside Default or Default Judgment and for Leave to Defend Actions pursuant to Section 473.5.

(11) Motion to Expunge Notice of Pendency of Action pursuant to Section 405.30.

(12) Motion to Set Aside Default and for Leave to Amend pursuant to Section 585.5.

(13) **Any other proceeding under this code in which notice is required**, and no other time or method is prescribed by law or by court or judge.

(b) Unless otherwise ordered or specifically provided by law, **all moving and supporting papers shall be served and filed at least 16 court days before the hearing**. The moving and supporting papers served shall be a copy of the papers filed or to be filed with the court. However, if the notice is served by mail, the required 16-day period of notice before the hearing shall be increased by five calendar days if the place of mailing and the place of address are within the State of California, 10 calendar days if either the place of mailing or the place of address is outside the State of California but within the United States, and 20 calendar days if either the place of mailing or the place of address is outside the United States, and if the notice is served by facsimile transmission, express mail, or another method of delivery providing for overnight delivery, the required 16-day period of notice before the hearing shall be increased by two calendar days. Section 1013, which extends the time within which a right may be exercised or an act may be done, does not apply to a notice of motion, papers opposing a motion, or reply papers governed by this section. All papers opposing a motion so noticed shall be filed

with the court and a copy served on each party at least nine court days, and all reply papers at least five court days before the hearing.

The court, or a judge thereof, may prescribe a shorter time.

(c) Notwithstanding any other provision of this section, all papers opposing a motion and all reply papers shall be served by personal delivery, facsimile transmission, express mail, or other means consistent with Sections 1010, 1011, 1012, and 1013, and reasonably calculated to ensure delivery to the other party or parties not later than the close of the next business day after the time the opposing papers or reply papers, as applicable, are filed. This subdivision applies to the service of opposition and reply papers regarding motions for summary judgment or summary adjudication, in addition to the motions listed in subdivision (a).

The court, or a judge thereof, may prescribe a shorter time.

(Amended by Stats. 2019, Ch. 585, Sec. 1. (AB 1600) Effective January 1, 2020.)

17. Calif. Code of Civil Procedure §583.310

An action shall be brought to trial **within five years** after the action is commenced against the defendant.

(Added by Stats. 1984, Ch. 1705, Sec. 5.)

California Code of Civil Procedure §583.330 The parties may extend the time within which an action must be brought to trial pursuant to this article by the following means:

(a) By written stipulation. The stipulation need not be filed but, if it is not filed, the stipulation shall be brought to the attention of the court if relevant to a motion for dismissal.

(b) By oral agreement made in open court, if entered in the minutes of the court or a transcript is made.

18. Calif. Code of Civil Procedure §583.340

In computing the time within which an action must be brought to trial pursuant to this article, there shall be excluded the time during which any of the following conditions existed:

(a) The jurisdiction of the court to try the action was suspended.

(b) **Prosecution or trial of the action was stayed or enjoined.**

(c) Bringing the action to trial, for any other reason, was impossible, impracticable, or futile. (*Added by Stats. 1984, Ch. 1705, Sec. 5.*)

19. Calif. Code of Civil Procedure §583.130

It is the policy of the state that a plaintiff shall proceed with reasonable diligence in the prosecution of an action but that all parties shall cooperate in bringing the action to trial or other disposition.

Except as otherwise provided by statute or by rule of court adopted pursuant to statute, the policy favoring the right of parties to make stipulations in their own interests and the policy favoring trial or other disposition of an action on the merits are generally to be preferred over the policy that requires dismissal for failure to proceed with reasonable diligence in the prosecution of an action in construing the provisions of this chapter.

(*Added by Stats. 1984, Ch. 1705, Sec. 5.*)

20. Calif. Code of Civil Procedure §583.140.

Nothing in this chapter abrogates or otherwise affects the principles of waiver and *estoppel*.

21. Calif. Code of Civil Procedure §391

As used in this title, the following terms have the following meanings:

(a) “Litigation” means any civil action or proceeding, commenced, maintained or pending in any state or federal court.

(b) “Vexatious litigant” means a person who does any of the following:

(1) In the immediately preceding seven-year period has commenced, prosecuted, or maintained in propria persona **at least five litigations** other than in a small claims court that have been (i) finally determined adversely to the person or (ii) unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing.

(2) After a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate, in propria persona, either (i) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined.

(3) In any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.

(4) Has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceeding based upon the same or

substantially similar facts, transaction, or occurrence.

22. Calif. Code of Civil Procedure §391.2

¶1 At the hearing upon the motion the court shall consider any evidence, written or oral, by witnesses or affidavit, as may be material to the ground of the motion.

23. Calif. Code of Civil Procedure §391.3

(a) Except as provided in subdivision (b), if, after hearing the evidence upon the motion, the court determines that the plaintiff is a vexatious litigant and that there is no reasonable probability that the plaintiff will prevail in the litigation against the moving defendant, the court shall order the plaintiff to furnish, for the benefit of the moving defendant, security in such amount and within such time as the court shall fix.

(b) If, after hearing evidence on the motion, the court determines that the litigation has no merit and has been filed for the purposes of harassment or delay, the court shall order the litigation dismissed. This subdivision shall only apply to litigation filed in a court of this state by a vexatious litigant subject to a prefiling order pursuant to Section 391.7 who was represented by counsel at the time the litigation was filed and who became in propria persona after the withdrawal of his or her attorney.

(c) A defendant may make a motion for relief in the alternative under either subdivision (a) or (b) and shall combine all grounds for relief in one motion.

(Amended by Stats. 2012, Ch. 417, Sec. 3. (AB 2274) Effective January 1, 2013.)

24. Calif. Code of Civil Procedure §391.7

(a) In addition to any other relief provided in this title, the court may, on its own motion or the motion of any party, enter a prefiling order which prohibits a vexatious litigant from filing any new litigation in the courts of this state in propria persona without **first obtaining leave** of the presiding justice or presiding judge of the court **where the litigation is proposed to be filed**. Disobedience of the order by a vexatious litigant may be punished as a contempt of court.

(b) The presiding justice or presiding judge shall permit the filing of that litigation only if it appears that the litigation has merit and has not been filed for the purposes of harassment or delay. The presiding justice or presiding judge may condition the filing of the litigation upon the furnishing of security for the benefit of the defendants as provided in Section 391.3.

(c) The clerk may not file any litigation presented by a vexatious litigant subject to a prefiling order unless the vexatious litigant first obtains an order from the presiding justice or presiding judge permitting the filing. If the clerk mistakenly files the litigation without the order, any party may file with the clerk and serve, or the presiding justice or presiding judge may direct the clerk to file and serve, on the plaintiff and other parties a notice stating that the plaintiff is a vexatious litigant subject to a prefiling order as set forth in subdivision (a). The filing of the notice shall automatically stay the litigation. The litigation shall be automatically dismissed unless the plaintiff within 10 days of the filing of that notice obtains an order from the presiding justice or presiding judge

permitting the filing of the litigation as set forth in subdivision (b). If the presiding justice or presiding judge issues an order permitting the filing, the stay of the litigation shall remain in effect, and the defendants need not plead, until 10 days after the defendants are served with a copy of the order.

(d) For purposes of this section, "litigation" includes any petition, application, or motion **other than a discovery motion, in a proceeding under the Family Code** or Probate Code, for any order.

(f) The clerk of the court shall provide the Judicial Council a copy of any prefiling orders issued pursuant to subdivision (a). The Judicial Council shall maintain a record of vexatious litigants subject to those prefiling orders and shall annually disseminate a list of those persons to the clerks of the courts of this state.

25. California Rules of Court Rule 3.650. Duty to notify court and others of stay

(a) Notice of stay

The party who requested or caused a stay of a proceeding must immediately serve and file a notice of the stay and attach a copy of the order or other document showing that the proceeding is stayed. ...

(c) Contents of notice

The notice must state whether the case is stayed with regard to all parties or only certain parties... The notice must also state the reason that the case is stayed.

(Subd (c) amended effective January 1, 2006.)

(d) Notice that stay is terminated or modified

When a stay is vacated, is no longer in effect, or is modified, **the party who filed the notice of the**

stay must immediately serve and file a notice of termination or modification of stay.

(Subd (d) amended effective January 1, 2006.)

26. Calif. Rules of Court Rule 3.515. Motions and orders for a stay

(h) Effect of stay order

Unless otherwise specified in the order, **a stay order suspends all proceedings in the action to which it applies.** A stay order may be limited by its terms to specified proceedings, orders, motions, or other phases of the action to which the order applies.

(Subd (h) amended and relettered effective January 1, 2005; adopted as subd (c).)

(j) Effect of stay order on dismissal for lack of prosecution

The time during which any stay of proceedings is in effect under the rules in this chapter must not be included in determining whether the action stayed should be dismissed for lack of prosecution under chapter 1.5 (§ 583.110 et seq.) of title 8 of part 2 of the Code of Civil Procedure.

(Subd (j) amended and relettered effective January 1, 2005; adopted as subd (f); previously amended effective January 1, 1986.).

27. Calif. Rules of Court Rule 3.1300. Time for filing and service of motion papers

(a) In general

Unless otherwise ordered or specifically provided by law, all moving and supporting papers must be served and filed in accordance with Code of Civil Procedure section 1005 and, when applicable, the statutes and rules providing for electronic filing and service.

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2000, and January 1, 2007.)

28. Calif. Rules of Court Rule 8.54. Motions

(a) Motion and opposition

(3) Any opposition must be served and filed **within 15 days after the motion is filed.**

(Subd (a) amended effective January 1, 2007.)

(b) Disposition

(1) The court may rule on a motion at any time **after an opposition or other response is filed or the time to oppose has expired.**

(2) On a party's request or its own motion, the court may place a motion on calendar for a hearing. The clerk must promptly send each party a notice of the date and time of the hearing.

(c) Failure to oppose motion

A failure to oppose a motion may be deemed a consent to the granting of the motion.

Rule 8.54 amended and renumbered effective January 1, 2007; repealed and adopted as rule 41 effective January 1, 2005.

29. Calif. Rules of Court Rule 8.57. Motions before the record is filed

(a) Motion to dismiss appeal

A motion to dismiss an appeal before the record is filed in the reviewing court must be accompanied by a certificate of the superior court clerk, a declaration, or both, stating:

(1) The nature of the action and the relief sought by the complaint and any cross-complaint or complaint in intervention;

- (2) The names, addresses, and telephone numbers of all attorneys of record-stating whom each represents and unrepresented parties;
- (3) A description of the judgment or order appealed from, its entry date, and the service date of any written notice of its entry;
- (4) The factual basis of any extension of the time to appeal under rule 8.108;
- (5) The filing dates of all notices of appeal and the courts in which they were filed;
- (6) The filing date of any document necessary to procure the record on appeal; and
- (7) The status of the record preparation process, including any order extending time to prepare the record.

(Subd (a) amended effective January 1, 2007.)

30. Calif. Rules of Court Rule 8.100. Filing the appeal

(a) Notice of appeal

- (1) To appeal from a superior court judgment or an appealable order of a superior court, other than in a limited civil case, an appellant must serve **and file a notice of appeal in that superior court.** The appellant or the appellant's attorney must sign the notice.

(b) Fee and deposit

- (1) Unless otherwise provided by law, **the notice of appeal must be accompanied by the \$775 filing fee** under Government Code sections 68926 and 68926.1(b), an application for a waiver of court fees and costs on appeal under rule 8.26, or an order granting such an application. The fee may be paid by check or money order payable to "Clerk/Executive Officer, Court of Appeal"; if the fee is paid in cash,

the clerk must give a receipt. The fee may also be paid by any method permitted by the court pursuant to rules 2.258 and 8.78.

(2) The appellant must also deposit \$100 with the superior court clerk as required under Government Code section 68926.1, unless otherwise provided by law or the superior court waives the deposit.

(3) The clerk must file the notice of appeal even if the appellant does not present the filing fee, the deposit, or an application for, or order granting, a waiver of fees and costs.

(Subd (b) amended effective January 1, 2018; previously amended effective August 17, 2003, January 1, 2007, July 1, 2009, July 27, 2012, and January 1, 2016.)

31. Calif. Rules of Court Rule 8.714. Superior court clerk duties

Within five court days following the filing of a notice of appeal under this rule, **the superior court clerk must:**

(1) Serve the following on each party:

(A) **Notification of the filing of the notice of appeal;** and

(B) A copy of the register of actions, if any.

(2) **Transmit the following to the reviewing court clerk:**

(A) **A copy of the notice of appeal, with the copies of the order being appealed and the order granting preference under Code of Civil Procedure section 36 attached;** and

(B) A copy of the appellant's notice designating the record.

Rule 8.714 adopted effective July 1, 2017.

32. California Rules of Court Rule 3.1304. Time of hearing

(d) Action if no party appears

If a party fails to appear at a law and motion hearing without having given notice under (c), the court may take the matter off calendar, to be reset only upon motion, or may rule on the matter.

(Subd (d) amended effective January 1, 2003; previously amended and relettered effective January 1, 1992.)

33. Rule 3.1342. Motion to dismiss for delay in prosecution

(a) Notice of motion

A party seeking dismissal of a case under Code of Civil Procedure sections 583.410-583.430 must serve and file a notice of motion **at least 45 days** before the date set for hearing of the motion. The party may, with the memorandum, serve and file a declaration stating facts in support of the motion. The filing of the notice of motion must not preclude the opposing party from further prosecution of the case to bring it to trial.

(Subd (a) amended effective January 1, 2009; previously amended effective January 1, 1986, and January 1, 2007.)

(e) Relevant matters

In ruling on the motion, **the court must consider all matters relevant to a proper determination of the motion**, including:

- (1) The court's file in the case and the declarations and supporting data submitted by the parties and, where applicable, the availability of the moving party and other essential parties for service of process;

(2) **The diligence in seeking to effect service of process;**

(3) The extent to which the parties engaged in any settlement negotiations or discussions;

(4) **The diligence of the parties** in pursuing discovery or other pretrial proceedings, including any extraordinary relief sought by either party;

(5) The nature and complexity of the case;

(6) The law applicable to the case, including the pendency of other litigation under a common set of facts or determinative of the legal or factual issues in the case;

(7) The nature of any extensions of time or other delay attributable to either party;

(8) The condition of the court's calendar and the availability of an earlier trial date if the matter was ready for trial;

(9) **Whether the interests of justice are best served by dismissal or trial of the case;** and

(10) Any other fact or circumstance relevant to a fair determination of the issue.

The court must be guided by the policies set forth in Code of Civil Procedure section 583.130.

34. Calif. Rules of Court Rule 8.100. Filing the appeal

(a) Notice of appeal

(1) To appeal from a superior court judgment or an appealable order of a superior court, other than in a limited civil case, an appellant must serve and file a notice of appeal in that superior court. The appellant or the appellant's attorney must sign the notice.

(2) The notice of appeal must be liberally construed. The notice is sufficient if it identifies the particular

judgment or order being appealed. The notice need not specify the court to which the appeal is taken; the appeal will be treated as taken to the Court of Appeal for the district in which the superior court is located.

(3) Failure to serve the notice of appeal neither prevents its filing nor affects its validity, but the appellant may be required to remedy the failure.

(b) Fee and deposit

(1) Unless otherwise provided by law, the notice of appeal must be accompanied by the \$775 filing fee under Government Code sections 68926 and 68926.1(b), an application for a waiver of court fees and costs on appeal under rule 8.26, or an order granting such an application. The fee may be paid by check or money order payable to "Clerk/Executive Officer, Court of Appeal"; if the fee is paid in cash, the clerk must give a receipt. The fee may also be paid by any method permitted by the court pursuant to rules 2.258 and 8.78.

(2) The appellant must also deposit \$100 with the superior court clerk as required under Government Code section 68926.1, unless otherwise provided by law or the superior court waives the deposit.

(3) The clerk must file the notice of appeal even if the appellant does not present the filing fee, the deposit, or an application for, or order granting, a waiver of fees and costs.

(Subd (b) amended effective January 1, 2018; previously amended effective August 17, 2003, January 1, 2007, July 1, 2009, July 27, 2012, and January 1, 2016.)

35. California Rules of Professional Conduct 5-300

(renumbered to be Rule 3.5 (a) after 10/31/2018)

(A) A member shall not directly or indirectly give or lend anything of **value to a judge**, official, or employee of a tribunal unless the personal or family relationship between the member and the judge, official, or employee is such that gifts are customarily given and exchanged. Nothing contained in this rule shall prohibit a member from contributing to the campaign fund of a judge running for election or confirmation pursuant to applicable law pertaining to such contributions.

(B) A member shall not directly or indirectly communicate with or argue to a judge or judicial officer upon the merits of a contested matter pending before such judge or judicial officer, except:

- (1) In open court; or
- (2) With the consent of all other counsel in such matter; or
- (3) In the presence of all other counsel in such matter; or
- (4) In writing with a copy thereof furnished to such other counsel; or
- (5) In ex parte matters.

(C) As used in this rule, "judge" and "judicial officer" shall include law clerks, research attorneys, or other court personnel who participate in the decision-making process. (Amended by order of Supreme Court, operative September 14, 1992.)

36. California Santa Clara County Superior Court's CIVIL RULE 8: PRETRIAL MOTIONS AND EX-PARTE PROCEEDINGS (effective until 4/24/2021)

C. SCHEDULING HEARINGS

A party seeking a hearing date for law and motion or discovery must contact the calendar clerk to obtain approved alternate dates for the hearing. If possible, the party should obtain agreement to one of the alternate dates from all opposing parties. When a date is chosen, the party must inform the calendar clerk. (Eff. 11/24/14)"

37. Santa Clara County Superior Court Civil Local Rule 8 (c) revised on April 22, 2021

A. UNLIMITED CIVIL CASES

Pre-trial motions, including discovery motions, are heard in the department of the case management judge. The law and motion calendar is called on Tuesdays and Thursdays at 9:00 a.m. or such other calendars as may be set by the Court.

(Eff. 11/24/14)

C. SCHEDULING HEARINGS

A party seeking a law and motion hearing date must file and serve all of the moving papers as soon as complete, and leave the hearing date blank on the moving papers. **The clerk will review and either reject or accept them for filing.** If the motion is accepted, the calendar clerk will schedule the motion for hearing with enough lead time to allow for proper statutory notice of the hearing, and list the hearing date on the Odyssey website. **The calendar clerk will not contact the moving party to notify them of the hearing date.** The moving party must frequently review the website, and as

soon as the hearing has been calendared, the moving party must file and serve an amended notice of hearing with the hearing date. It is not necessary to refile all moving papers if they were properly served when originally filed. Failure to file and serve an amended notice of motion with sufficient statutory notice will either lead to a continuance of the motion or the motion being ordered off calendar by the Court. Parties are advised that this process takes time, and motions that are submitted too close to the trial date to permit sufficient notice may be rejected. Parties and counsel must not contact the Clerk's Office or any courtroom clerk to inquire of the status.
(Eff. 4/22/21)

**DOC. #2 AUGUST 25, 2021 ORDER OF
CALIFORNIA SUPREME COURT; BY
OPERATION OF LAW, C.C.P.§170.3(C)(4)
CALIFORNIA CHIEF JUSTICE “CONCEDED”
TO ALL ACCUSATIONS IN SHAO’S VERIFIED
STATEMENT OF DISQUALIFICATION FILED
ON 7/7/2020, REGARDING ANY OF WHICH
RESPONDENTS DID NOT OBJECT**

S269711

**IN THE SUPREME COURT OF CALIFORNIA
ENBANC**

**LINDA SHAO, Plaintiff and Appellant,
v. McManis Faulkner, LLP, Defendant and
Respondent**

**Court of Appeal, Sixth Appellate District-
No. H048651
August 25, 2021**

**The petition for review is denied. Cantil-Sakauye,
C.J., was absent and did not participate.**

KRUGER

Acting Chief Justice

DOC.#3 ON 12/22/2020, THE APPELLATE COURT REQUIRED A SECOND VEXATIOUS LITIGANT APPLICATION TO FILE THE APPEAL AND SUMMARILY DENIED SHAO'S SECOND APPLICATION AFTER WITHHELD IT FOR 5 MONTHS, AND FURTHER ALTERED THE DOCKET TO FALSIFY THE FILING DATE TO BE THE SAME AS THE DENIAL DATE (SEE THE DOCKET OF H048651 BELOW).

FILED 5/26/2021
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIX APPELLATE DISTRICT

LINDA SHAO,
Plaintiff and Appellant,
v.
MCMANIS FAULKNER, LLP,
Defendant and Respondent
H048651
Santa Clara County Super. Ct. No. CV220571

BY THE COURT:
The request to file new litigation by a vexatious litigant is denied.
Date: 05/26/2021
Allison Denny Acting P.J.

#4 GOV'T CODE §6200 CRIME —SCREENSHOT DATED JUNE 8, 2021 SHOWS THAT THE DOCKET ENTRY OF VEXATIOUS LITIGANT APPLICATION OF 12/22/2020 IN H048651 WAS ALTERED TO BE WITH A FILING DATE OF 5/26/2021;SUCH ALTERATION LASTED FOR 15 DAYS; CORRECTED BY SUPERVISOR ON 6/8/2021.

Docket (Register of Actions)

Shao v. Manis Faulkner, LLP

Case Number H048651

Date	Description	Notes
12/07/2020	Notice of appeal	Linda Shao. filed 7/27/ 20
12/07/2020	Litigant declared Vexatious	
12/07/2020	Default notice sent appellant notified per rule 8 100(c).	
12/22/2020	Notice re vexatious litigant (CCP 391 7) • Matter stayed.	Appellant Yi Tai Linda Shao was previously designated a vexatious litigant by the Superior Court of Santa Clara County. On July 27. 2020, appellant filed a

notice of appeal
without first
obtaining an order
from this presiding
justice of this court
granting permission
to file the appeal as
required by
California Code of
Civil
Procedure section 391
7 subdivision (c). The
appeal is hereby
stayed. The appellant
is advised that
failure to apply for an
order from the
presiding justice
permitting the filing
of the appeal within
10 days of
the date of this notice
will result in an
automatic dismissal
of the appeal (Cal Civ
Proc. § 391.7. subd
(c).)

5/26/2021 Vexatious
litigant
application
filed
(Initial
case event)

1/14/2021	Received letter from	Silvia P. Hasbun obo Murphy, Pearson, Bradley & Feeney: Please add Janet L. Everson & Suzie M. Tagliere as counsel for respondents.
05/26/2021	Vexatious litigant application denied	The request to file new litigation by a vexatious litigant is denied
06/07/2021	Received	Appellant's motion to reconsider or vacate May 26, 2021 order

4:01 PM **6/8/2021** (screenshot date and time)

**DOC#5 ON AUGUST 27, 2021, CALIFORNIA
SIXTH DISTRICT COURT OF APPEAL ORDER-
- DENIAL OF SHAO'S MOTION TO VACATE
MAY 25, 2021 ORDER BASED ON CALIFORNIA
SUPREME COURT'S ORDER OF 8/25/2021;
SHAO'S MOTION TO VACATE THIS AUGUST
27, 2021 ORDER HAS BEEN PENDING 2
MONTHS SINCE SEPTEMBER 10, 2021 (BASED
ON THE LAW THAT THE SUMMARY DENIAL
ORDER OF SUPREME COURT ON 8/25/2021
HAS NO PRECEDENTIAL EFFECT)**

[Electronically FILED on 8/27/2021 by W. Wilbourn,
Deputy Clerk]

IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA
SIX APPELLATE DISTRICT

LINDA SHAO,
Plaintiff and Appellant,
v.
MCMANIS FAULKNER, LLP,
Defendant and Respondent
H048651
Santa Clara County Super. Ct. No. CV220571

BY THE COURT:

The appellant's motion for reconsideration is denied
as moot as the California Supreme Court has already
denied Shao's petition for review.

Date: **08/27/2021**

Allison Denny Acting P.J.

**DOC#6: SANTA CLARA COUNTY SUPERIOR
COURT'S ORDER OF MAY 28, 2020 DENYING
SETTING ASIDE DISMISSAL AND DENYING
CHANGE VENUE**

**FILED MAY 28, 2020
SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY**

linda shao, plaintiff	case no. 2012-1-cv-220571
vs.	order regarding A) motion
mcmanis faulkner, llp et al.	to change venue; b)
defendants	motion to set aside
	dismissal

In this long-running legal malpractice case, Plaintiff Linda Shao (an attorney, but acting in pro per) has filed two motions: a) a motion to change venue; and b) a motion to set aside the dismissal. The Court heard oral argument on both motions on May 19, 2020, and took the matters under submission. The Court now issues its final rulings.

I. BACKGROUND

In March 2012, Plaintiff sued Defendants (a law firm and some of its members) for allegedly-improper representation of her in a family law case. In March 2016, the Court (Judge Woodhouse) stayed this case pending the outcome of Plaintiffs appeal in the underlying family law case. The Sixth District Court of Appeal denied in May 2018 Plaintiffs' family law appeal for failure to obtain and file the record. The Court of Appeal's remittitur was filed in this Court in August 2018; this remittitur effectively ended the stay.

Yet Plaintiff did nothing with the case in this

Court once the remittitur occurred. Therefore, in September 2019 Defendants filed a motion to dismiss for delay in prosecution, arguing that the mandatory five-year statute for bringing the case expired in August 2019. Defendants' proof of service for this motion stated that they sent the motion and supporting papers to Plaintiffs work address on September 12, 2019. The hearing on the motion was set for October 8.

Plaintiff, however, did not respond to the motion and did not appear at the October 8 hearing. On October 16, the Court (Judge Rudy, covering for Judge Kulkarni on that day) entered a formal, written order dismissing the case for failure to bring the case to trial within five years. In November 2019, Judge Rudy signed a judgment of dismissal.

Not happy with this result, Plaintiff filed the two motions at issue now: a) a motion to set aside the dismissal; and b) a motion to change venue.² With a hearing date of March 24, 2020 in mind, Plaintiff filed her original motion papers on March 2 and 3, 2020 and Defendants filed their oppositions on March 11. Plaintiff filed her reply and associated papers on March 17.

The Court continued the March 24 hearing to May 19, in light of the COVID-19 pandemic and Santa Clara County's shelter-in-place order. The Court did not anticipate or authorize further filings by any party. Yet Plaintiff filed another document on May 4, attempted to file another document at the May 19 hearing, and then filed a post-hearing letter/brief on May 19. In any event, the Court held the hearing on these motions on May 19, with both sides

appearing (Plaintiff in person, Defendants' counsel by telephone).

II DISCUSSION

A. MOTION TO CHANGE VENUE

Plaintiff has brought this motion numerous times before, and it has been denied every time. Plaintiff has not raised any new facts (as opposed to unsupported inferences and theories) that would justify a different result. The Court DENIES this motion.

B. MOTION TO SET ASIDE THE DISMISSAL

1. *Non-Relevant Issues*

In her briefs and supporting papers, Plaintiff raises many issues. But most of them are not particularly relevant to whether the September 2019 dismissal should be set aside. For instance, none of the following topics is relevant to this motion: a) whether the right decision was made in Plaintiffs family law case; b) whether previous judges improperly-at least in Plaintiffs view-failed to recuse from that family law case or this legal malpractice case; and c) whether a hacker improperly modified Plaintiffs papers in this case. The Court accordingly will disregard Plaintiffs lengthy discussion of these topics. The Court also DENIES all of Plaintiffs requests for judicial notice concerning these issues.

2. *Analysis*

Plaintiff listed six grounds for her motion to set aside the dismissal. The Court addresses each one below:

i. Extrinsic fraud: Plaintiff alleges the Court conspired with Defendants to alter the filing date of Defendants' motion to set aside the dismissal.

There is no reliable evidence of such a conspiracy. The fact that a filing date was corrected by the clerk's office on document is not such evidence. The Court rejects this argument reliable evidence of such a conspiracy. The fact that a filing date was corrected by the clerk's office on document is not such evidence. The Court rejects this argument.

ii. Insufficient notice: Plaintiff claims that she didn't receive enough notice for this motion. But all the evidence shows that Defendants filed their motion on September 12, 2019 and set the hearing on October 8. That is proper timing and notice under applicable statutes, Rules of Court, and Local Rules.

iii. Conflicts of interest: Plaintiff claims that severe conflicts of interest caused the dismissal. But Plaintiff has not shown that either Judge Rudy or the Court (Judge Kulkarni) has a conflict of interest in this case.

iv. Prematurity: Plaintiff argues that the five-year statute has not run. But the Court has reviewed the legal analysis and calculations made by Defendant's counsel and agrees with them. The five-year statute has run, and the Court (Judge Rudy) had a mandatory duty to dismiss the case upon Defendant's motion.

v. Estoppel: Plaintiff claims that Defendant is estopped from claiming failure to prosecute because Defendant's counsel did not notify the Court (and Plaintiff) that the Sixth District had resolved the appeal. But Judge Woodhouse's March 2016 order staying the case pending appeal stated that the stay would be effective "until disposition of Plaintiff's appeal of the Order."

There is no requirement in the order that either side must notify the other side or the Court before the stay dissolves; rather, the order asked the parties (not just Defendant) to notify the Court with any developments. But that request doesn't make the notification a prerequisite to the dissolving of the stay. Once the appeal was resolved by the Sixth District Court of Appeal and the remitter issued, the stay automatically dissolved, contrary to Plaintiff's arguments.

vi. Excusable Neglect: Plaintiff asserts that because she was overseas from September 22 to November 7, 2019, the dismissal for failure to prosecute should be vacate due to excusable neglect. But as stated above, there is plain evidence that the motion and supporting papers were filed on September 12. Plaintiff had ten days to respond to the motion or seek a continuance of the hearing. She didn't do anything. That her mail forwarding service may not have forwarded her mail (which contained the motion) in a timely way is not excusable neglect.

Moreover, even if the Court were to find excusable neglect under Code of Civil Procedure section 473, subdivision (b), such excusable neglect does not "lengthen the time within which an action shall be brought to trial pursuant to Section 583.310." (Code Civ. Proc., § 473, subd. (b).) Thus, her motion to vacate the dismissal, even if granted, would not save her claims.

For all of these reasons, the Court DENIES Plaintiffs motion to set aside the dismissal.

C. Statements of Decision

Plaintiff has requested statements of decision for each of her two motions. But these are motions, not trials. Therefore, no statement of decision is required. (*Liem v. Lucky United Properties Investment, Inc.* (2008) 163 Cal.App.4th 620, 623-624.) The Court therefore DENIES Plaintiffs' request.

IT IS SO ORDERED.

Dated: 5/28/2020

/s/ Kulkarni

The Honorable Sunil R. Kulkarni Judge of the
Superior Court

DOC#7: CONTRARY TO 5/26/2020 ORDER, AS OF MAY 22, 2020, THE CLERK DID NOT HAVE AN ANSWER FOR SHAO REGARDING HER QUESTIONS ON ALTERATIONS OF E-FILING STAMPS SHOWN ON RESPONDENTS' MOTION TO DISMISS FILED IN SEPTEMBER 2019 THAT TOOK PLACE 8 MONTHS PRIOR; THIS DOC. WAS SUBMITTED TO THE COURT ON 6/15/2020

From: sscivilinfo@scscourt.org,
To: attorneyshao@aol.com,
Subject: RE: Request investigation
Date: Fri, May 22, 2020 12:36 am

Due to the Shelter in Place order issued on 3-16-20, we currently do not have staff to assist you with your request.

From: Attorney Shao, Yi-Tai
[mailto:attorneyshao@aol.com]
Sent: Wednesday, May 20, 2020 4:10 PM
To: SSCivil Info <sscivilinfo@scscourt.org>
Subject: Request investigation
[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender.

Regarding 2012-1-cv-220571, I would like to know who altered the filing stamps on Defendants' motion to dismiss, totally 5 papers which were altered to be 9/12/2019. Out of the 5 papers, an unaltered copy showing the editing date of 9/18/2019 is leaked out as the 103rd page of

Declaration of Suzie Tagliere filed on March 11, 2020.

Please advise when were the filing stamps that were generated on 9/18/2020 altered? Who did the crossing and alterations of the filing stamp?

The court and Ms Tagliere had agreed in November 2019 that there was **no reservation date** for the hearing of Defendants motion to dismiss to be on October 8, 2019. **It is undisputed that defendants did not comply with Local Rule 8(c) in getting a reservation date for the hearing and also undisputed that they never asked my availability on October 8, 2019.**

My third question is: who helped the defendants to file the motion to dismiss when there was no reservation as the Law and Motion would not have accepted filing as there was no reservation?

Look forward to hearing from you soon. Thank you for your time.

Attorney Yi-Tai Shao
SHAO LAW FIRM, PC
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588

**DOC#8: EVIDENCE OF CONSPIRACY –
UNALTERED E-FILING STAMP OF 9/18/2019
SHOWS UP AS P.103 INSIDE THE
DECLARATION OF SUZIE M. TAGLIERE IN
SUPPORT OF DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION TO SET ASIDE
DISMISSAL THAT WAS FILED WITH SANTA
CLARA COUNTY SUPERIOR COURT ON
3/11/2020.**

“CERTIFICATE OF SERVICE” of Respondents’
“Motion to Dismiss” that has **UNALTERED**
EFILING STAMP:

**Electronically Filed
by Superior Court of CA
County of Santa Clara
On 9/18/19 10:39 AM
Reviewed By: L Dal Mundo
Case #2012-1-CV-220571
Envelope: 3406422**

**DOC#9: JUST LIKE THE CLERK (DOC#7),
ATTORNEY SUZIE TAGLIERE ALSO FAILED
TO RESPOND TO SHAO'S INQUIRY ON WHY
AND HOW THERE WAS A CHANGE ON
EFILING DATE TO 9/12/2020 FROM 9/18/2020
AS SHOWN ABOVE IN DOC#8.**

From: attorneyshao@aol.com,
To: **S**Tagliere@MPBF.com,
Subject: Inquiry
Date: Thu, May 21, 2020 7:19 am
Dear Suzie

**The exhibits of your declaration leaked out the
original efile stamp oh 9/18/2019 for your
motion to dismiss.**

**Please explain what happened to cause the
apparent alterations on the editing stamps of
all of the 5 papers of the motion to dismiss?
Who did the alterations of the filing stamps?**

**Could you give me confirmation email of the
refiling of your motion to dismiss my case?**

Attorney Yi-Tai Shao
SHAO LAW FIRM, PC
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588
Telephone: (408) 873-3888
attorneyshao@aol.com

**DOC#10: ALTERED E-FILING STAMPS FOR
THE CERTIFICATE OF SERVICE OF
RESPONDENTS' MOTION TO DISMISS IN THE
COURT'S RECORDS**

"CERTIFICATE OF SERVICE" in the court record is:

**Electronically Filed
by Superior Court of CA
County of Santa Clara
~~On 9/18/19 10:39 AM~~ 9/12/19
Reviewed By: L Dal Mundo
Case #2012-1-CV-220571
Envelope: 3406422**

Janet L. Everson- 211161

JEverson@mpbf.com

Suzie M. Tagliere – 286849

STagliere@mpbf.com

MURPHY, PEARSON, BRADLEY & FEENEY

88 Kearny Street, 10th Floor

San Francisco, CA 94108-5530

Telephone : (415) 788-1900

Facsimile: (415) 393-8087

Attorneys for Defendants

**MCMANIS FAULKNER, A PROFESSIONAL
CORPORATION, JAMES MCMANIS, CATHERINE
BECHTEL, AND MICHAEL REEDY**

CERTIFICATE OF SERVICE

[omitted the remainder]

**DOC#11: DIFFERENT FORM OF
ALTERATIONS OF E-FILING STAMPS WERE
SHOWN ON OTHER PAPERS FOR
RESONDENTS' MOTION TO DISMISS, WITH
DIFFERENT TYPESETTING OF 9/12/2019,
INSTEAD OF STRIKING OVER 9/18/2019**

The efiling stamps for "DECLARATION OF SUZIE
M. TAGLIERE IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS FOR FAILURE TO
BRING ACTION TO TRIAL WITHIN FIVE
YEARS PURSUANT TO CODE OF CIVIL
PROCEDURE §583.360", the Notice of Motion
and Memorandum of Points and Authorities for
the Motion all show:

**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
9/12/19 (Note: different font)
Reviewed By: L Del Mundo
Case #2012-1-CV-220571
Envelope: 3406422**

[omitted the other portions of these 3 papers' cover
pages]

DOC#12: THE SANTA CLARA COUNTY COURT'S CASE DOCKET SHOWS A DIFFERENT E-FILING ENVELOP OF #3408311 AS NOTED BY THE CLERK WHICH APPEARED THAT THE MOTION TO DISMISS WAS TAKEN OFF FROM DOCKET, ALTERED, RE-FILED AFTER 9/19/2019, AND ALTERED AGAIN BY REMOVING THE NEW ENVELOP:

9/12/2019	Proof of Service: Mail	McManis Faulkner, LLP, James McManis, Catherine Bechtel, Michael Reedy,	E-SERVED #3408311 re 10/08/19 hr
-----------	---------------------------	--	--

It appears that the second e-filing with envelop #3408311 was done by Attorney Janet Everson as being noted by the Clerk:

9/12/2019	Motion: Dismiss	McManis Faulkner, LLP, James McManis, Catherine Bechtel, Michael Reedy	Action - Atty Everson, 10/8/19, 9AM, D8
-----------	--------------------	--	---

**DOC#13: NEW DISCOVERY THAT JUDGE
CHRISTOPHER RUDY IS A MEMBER OF THE
AMERICAN INNS OF COURT**

(<https://www.innsofcourt.org/>)

The Honorable William A. Ingram American Inn of
Court (/for-members/inns/the-honorablewilliam-
a-ingram-american-inn-of-court/)

Honorable William A. Ingram Inn Pupillage Team
Leaders

More

Pupillage Team Meeting Date Team Leaders

Group 1 October 14, 2020 **Hon. Christopher Rudy**

Group 2 November 11, 2020 Hon. Hector Ramon

Group 3 February 10, 2021 Hon. Lori Pegg

Group 4 March 10, 2021 Hon. Drew Takaichi

Group 5 April 5, 2020 Hon. James Stoelker

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225 Reinekers Lane, Suite 770, Alexandria, VA

22314 | Phone: (703) 684-3590 | Fax: (703) 684-3607

|

INFO@INNSOFCOURT.ORG

([MAILTO:INFO@INNSOFCOURT.ORG](mailto:INFO@INNSOFCOURT.ORG))

**DOC#14: JUDGE PETER KIRWAN'S ORDER
OF 12/15/2017, THE LAST ORDER BEFORE
RESPONDENTS' MOTION TO DISMISS**

The Statement for Disqualification under Code of Civil Procedure §§170.1 and 170.3 is STRICKEN because it discloses no legal grounds for disqualification. However, in light of the undersigned's participation in the volunteer organization American Inns of Court with a named defendant in this matter, the undersigned will recuse himself.

DATED 1/15/2017

/s/ Peter Kirwan

DOC#15: JUDGE MAUREEN FOLAN WAS AN ATTORNEY FOR RESPONDENTS– SHE DENIED ON BEHALF OF PRESIDING JUDGE THEODORE ZAYNER, AN APPLICATION TO VACATE PREFILING ORDER THAT WAS MADE ON THE ISSUE OF HER FAILURE TO DISCLOSE HER BEING A RETAINED ATTORNEY FOR RESPONDENTS FOR 2.5 YEARS ON LEGAL MALPRACTICE DEFENSE

FILED 9/24/2021

Clerk of the Court

Superior court of CA County of Santa Clara

By Ligaya Balledteros Deputy

PLAINTIFF/PETITIONER: Linda Shao

**DEFENDANT/RESPONDENT: McManis Faulkner,
James McManis, Michael Reedy**

**ORDER TO FILE NEW LITIGATION BY
VEXATIOUS LITIGANT**

Type of case: Unlimited Civil

ORDER

x **Denied.** Petitioner miscites the dates.H02178 shows case complete on 6-30-9 1999-1-cv-779444 was dismissed 6-27-2. Judge Folan was sworn in 1-22-2010. The cases complied with 2/2 year period application. The court disagrees with many of the assertions petitioner makes. (note: handwriting)

Date: 8-26-2020

/s/ Maureen A. Folan

PRESIDING JUDGE OR JUSTICE Maureen A.

**DOC#16: R. DELGADO'S FALSE
CERTIFICATE OF COMPLETION IN
VIOLATION OF CALIFORNIA GOVERNMENT
CODE §6203**

FILED 12/12/2017

IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA

LINDA SHAO vs. MCMANIS FAULKNER, ET AL.	FILED 12/12/2017 CASE NUMBER 112CV220571 H042531
---	---

NOTICE OF COMPLETION

YOU ARE HEREBY NOTIFIED THAT THE
TRANSCRIPT(S) ON APPEAL IN THE ABOVE-
ENTITLED ACTION HAVE BEEN
COMPLETED.

CLERK'S CERTIFICATE OF MAILING

I CERTIFY THAT I AM NOT A PARTY TO THIS
CAUSE AND THAT A TRUE COPY
OF THIS DOCUMENT WAS MAILED FIRST
CLASS POSTAGE FULLY PREPAID
IN A SEALED ENVELOPE ADDRESSED AS
SHOWN BELOW AND THE DOCUMENT WAS
MAILED AT SAN JOSE, CALIFORNIA
ON DEC 12 2017 REBECCA FLEMING,
CHIEF EXECUTIVE OFFICER/CLERK

BY: /S/ R. DELGADO
R. DELGADO, DEPUTY CLERK

**DOC#17: FRAUDULENT COMPLETION OF
RECORD IN H042531(DOC#16)—LATER
ADMISSION OF INCOMPLETE RECORDS-
FILED ON 12/12/17**

TO THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA, THE SIXTH APPELLATE DISTRICT

LINDA SHAO

V.

MCMANIS

FAULKNER, ET AL.

FILED 12/12/2017

CASE NUMBER

112CV220571

H042531

CLERK'S

CERTIFICATE

I, R. DELGADO, Deputy County Clerk of the County
of Santa Clara, State of California, do certify the
following:

After a due and diligent search, I was unable to
locate the following documents:

- Ex Parte Application for An Order for Relief to
Consider Plaintiff's Objection to Evidence
Filed and Served on 6/8/2015 and Order Pleadings
Plaintiff diligently filed on 6/12/2015.
- Declaration of Y] Tai Shao for the Motion to
Reconsider or Clarify Order re Motion to Declare
Linda Shao Vaxatious Litigant Filed on June
16,2015 at 10:56 am. and a Separate Prefiling Order
Filed on June 16, 2015 at 3:04pm., filed by Plaintiff
- Tentative Decision for Defendants' Renewed Motion
to Require Plaintiff to Furnish a Security" and the
Entire Motion
- Judge Socrates Manoukian's Order to Strike and
Recusal
- Notice of Appeal

In witness whereof, I have hereunto set my hand and
the seal of said Superior Court, this

12/12/17 R. Delgado Deputy Clerk
**DOC#18: SANTA CLARA COUNTY COURT
FAKED A NON-EXISTENT MINUTES ORDER
OF 11/1/2017 IN VIOLATION OF CAL.GOV'T
CODE §6203 AS IF IT WERE JUDGE MAUREEN
FOLAN'S ORDER ON SHAO'S RENEWED
MOTION TO CHANGE VENUE FILED IN
SEPTEMBER 2017 TO PRETEND A DENIAL
ON THE MOTION SUBSTANTIVELY.**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
MINUTE ORDER

L. Shao vs McManis Faulkner, LLP, et al 2012-l-CV-220571 Date of Hearing: 10/31/2017	Hearing Start Time: 9:00 AM Hearing Type: Hearing: Motion hearings Comments
--	---

Heard By: Folan, Maureen A Location: Dept 8
Courtroom Reporter: • No Record Transcribed
Parties Present: Courtroom Clerk: Lorna Delacruz
Shao, Linda Plaintiff
Tagliere, Susan M Stand In Attorney
Exhibits:

TENTATIVE RULING: Plaintiffs Motion to Change
Place of Trial is DENIED. By order dated March 11,
2016, in light of the pending appeal of the underlying
family law matter, Judge Woodhouse stayed the
entire case and ordered that the parties shall not
make any further filings or submissions. Neither
party has informed the Court that a remittitur has
issued on the pending appeal. This submission
violates Judge Woodhouse's order.
Ms. Shao addresses this argument in her reply but

does not attach a certified copy of the April 28, 2017 transcript to which she refers. Moreover, the Court has ruled on this issue previously and no new facts or law have been presented to persuade this Court to alter its previous rulings.

TENTATIVE RULING ABOVE Contested by
PLAINTIFF

(x) Motion (x) Argued

(x) Taken under submission; Written Decision to be
mailed to the parties

DOC#19: REAL ORDER OF FOLAN ON RENEWED MOTION TO CHANGE VENUE IS CONCEALED BY THE COURT FROM THE DOCKET OF THIS CASE SUCH AS TO GIVE JUDGE KULKARNI A FALSE EXCUSE THAT ALL ISSUES WERE DECIDED BASED ON THE FALSE “MINUTES ORDER”. IN FACT, NONE WAS DECIDED.

FILED ON 11/21/2017 AT 8:00 A.M. BY LORNA DALACRUZ

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

L. Shao vs McManis Faulkner, LLP, et al	2012lCV220571 ORDER
--	-----------------------------------

The above matter came on regularly for hearing on October 31, 2017. Plaintiff, Linda Shao, appeared on behalf of herself and counsel from the law firm of Murphy Pearson Bardley & Feeney appeared on behalf of defendants. The court has carefully reviewed the certified reporter's transcript from the April 28, 2017 case management hearing before Judge Woodhouse that Ms. Shao produced at the hearing on her motion to Change Place of Trial on October 31, 2017. Although Ms. Shao repeatedly requested that Judge Woodhouse allow her to schedule and have him hear a motion to Change the Place of Trial, counsel for defendants, Janet Everson, strongly objected to same. Judge Woodhouse did not explicitly allow the filing of such a motion.

Moreover, Judge Woodhouse signed an order dated March 11, 2016 stating in relevant part:

“(1) This matter is hereby stayed *in all regards* until disposition of Plaintiff’s appeal of the Order, except that the deposition of the following expert witness shall be completed forthwith....” (emphasis added)

(2) discovery shall remain closed

(3) The *parties shall not make any further filings or submittals.*” (emphasis added)

Ms. Shao did not secure an order from Judge Woodhouse after the April 28, 2017 hearing, permitting a partial lifting of the stay be ordered. This lawsuit is stayed *in all regards* until disposition of the subject appeal. And, the stay order is quite clear that parties shall not make any further filings or submittals. The order does not make an exception allowing Ms. Shao to file a Motion to Transfer Venue or Change Place of Trial or any other motion. As the subject appeal has not yet been fully decided and a remittitur issued, procedurally, Ms. Shao must file a motion seeking to partially lift the stay Judge Woodhouse ordered before the Court can consider *any* motion she may wish to file. Consequently, the Court will not reach the merits of her motion to change the Place of Trial at this time.

Dated: 11/21/17 /s/ Maureen A. Folan
Hon. Maureen A. Folan
Judge of the Superior Court

**DOC#21 ASSEMBLY BILL NO. 2504 STATES
THE PUBLIC POLICY OF DISCLOSURE OF
ATTORNEY-CLIENT RELATIONSHIP
EMBEDDED IN CALIF. CODE OF CIVIL
PROCEDURE 170.1**

Assembly Bill No. 2504

CHAPTER 1094

An act to amend Sections 170.1 and 1281.9 of the
Code of Civil Procedure, relating to arbitration.

[Filed with Secretary of State September 29, 2002.

Approved by Governor

September 29, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2504, Jackson. Judges: arbitration.

Existing law sets forth the grounds for the required
disqualification of a judge, as specified.

This bill would require the disqualification of a judge
who has a current arrangement concerning
prospective employment or other compensated
service as a dispute resolution neutral, as defined, or
is participating in, or, within the last two years, has
participated in, discussions regarding such
prospective employment or other
service, and further, specified conditions apply.

Existing law **requires** a proposed neutral arbitrator
in an arbitration pursuant to an arbitration
agreement **to disclose**, among other things, **the
existence of grounds for the required
disqualification of a judge.**

**This bill require disclosure of whether or not
an arrangement or discussion described above
applies.** [emphasis added]

[OMITTED]

**DOC#22: SANTA CLARA COUNTY COURT HAS
FAILED TO SET A HEARING FOR SHAO'S
NEW MOTION TO SET ASIDE DISMISSAL AND
ALL ORDERS OF JUDGE MAUREEN FOLAN
INCLUDING VEXATIOUS LITIGANT ORDERS
SINCE NOVEMBER 4, 2021 WHEN THE NEW
CIVIL LOCAL RULE 8(C) (APP.028)
UNCONSTITUTIONALLY AUTHORIZES THE
CLERK TO DELAY GIVING OUT HEARING
DATE WITHOUT ANY TIME LIMIT.**

COUNTY PROCESS SERVICE INC.
A NEW FILING WAS SUBMITTED THROUGH
COUNTY PROCESS! HERE ARE THE FILING
DETAILS:

FROM: MICHAEL MEZZETTI (email omitted)
YI TAI SHAO
COUNTY PROCESS SERVICE, INC.

FILING ID: (OMITTED)
ENVELOPE NO.: **7808414**
DOCUMENTS: NOTICE OF MOTION, MEMORANDUM
OF POINTS AND AUTHORITIES DECLARATION
TIMESTAMP: 11/04/2021 05:18 PM PDT
SINCERELY,
THE GREEN FILING TEAM
EMAIL: SUPPORT @GREENFILING.COM
PHONE: (801) 448-7268

**DOC#23: DECEMBER 9 AND 10, 2015
TRANSCRIPT**

p.68

“THE COURT: Number Two. It’s a motion to preclude plaintiff from re-litigating the Court’s custody termination. And essentially you’re suggesting that there’s collateral estoppels here, but I think the fact the case is up on appeal precludes that. So I’m going to deny that.”p.77

THE COURT: “Well, you know, I took a hard look at this whole issue of collateral estoppels, and I think it’s clear that you can’t rely on it in the context of a decision that’s on appeal.”

P.124

THE COURT “Okay. One of the concepts that we discussed yesterday was in light of the inability to rely on collateral estoppels issue associated with Judge Lucas’ decision that there was a discussion of perhaps staying this matter unless I could come up with some other way to get around it, and I tried and I can’t.

And I understand the problem associated with having to re-litigate the whole custody issue in the trial within a trial. But Ms. Shao is correct that we can’t rely on the doctrine of collateral estoppels.

So in light of that, I’d like to know what your feeling is first and then I’ll ask Ms. Shao about staying this pending the outcome of the appeal.”

P.126

“MS. EVERSON: Your Honor, may I suggest that we all agree if some significant change occurs with the

Court of Appeal that we notify the court so Ms. Shao doesn't have a delay of any longer than necessary?
THE COURT: That sounds reasonable."

**DOC#24: MARCH 11, 2016 ORDER STAYING
THE PROCEEDING PREPARED BY
RESPONDENTS**

filed on 3/11/2016

**CALIFORNIA COURT OF THE STATE OF
CALIFORNIA
COUNTY SANTA CLARK**

Yi Tai Shao aka Linda Yi Tai Shao Plaintiff v. McManis Faulkner, LLP, James McManis, Catherine Bechtel, Michael Reedy, and Does 1-10 defendants	Case No.: 112-cv- 220571 ORDER STAYING ENTIRE CASE Trial Date: November 30, 2015
---	---

**TO THE PARTIES AND THEIR COUNSEL OF
RECORDS:**

In light of the pending appeal by Plaintiff YI TAI SHAO ("Plaintiff") of the Statement of Decision and Order dated November 1, 2013 ("the order") in the underlying family law matter (Santa Clara County Superior Court Case No. 1-05-FL-126882) and good cause appearing therefore, the Court orders as follows:

- (1) This matter is hereby stayed in all regards until disposition of Plaintiff's appeal of the Order, except that the depositions of the following expert witness shall be completed forthwith: Meera Fox, Nancy Williams Olesen, Ph.D., and Carroll Collins;
- (2) Discovery shall remain closed;
- (3) The parties shall not make any further filings or submittals;

(4) **The parties shall notify the Court** of any material changes in the status of appellate proceedings concerning the Order; and

(5) A Case Management Conference is hereby set for 1:30 p.m. on June 3, 2016 in Department 4 of this Court.

IT IS SO ORDERED.

Dated: 3/11/2016 /s/ Derek Woodhouse

Judge of the Superior

Court

APPROVED AS TO FORM AND CONTENT

DATED: December 10, 2015

Murphy, Pearson, Bradley & Feeney

By _____

Adrian T. Lambie, attorney for defendants

McManis Faulkner, A Professional Corporation,

James McManis, Catherine Bechtel, and Michael

Reedy

DATED: December __, 2015

By _____

Yi Tai Shao, Plaintiff in pro per.

DOC#25: ON THE NEXT BUSINESS DAY FOLLOWING 3/11/2016 HEARING, TWO COURTS AND RESPONDENTS *CONSPIRED TO DISMISS* THE CHILD CUSTODY APPEAL, AS DECLARED BY MEERA FOX, ¶31, BY A SATURDAY FRAUDULENT NOTICE OF NON-COMPLIANCE DATED 3/12, THEN A DISMISSAL ON ENSUING MONDAY MORNING ON 3/14/2016

FILED 4/24/2017 IN H039823

**In re Marriage of SHAO and Wang
DECLARATION OF MEERA FOX, ESQ. IN
SUPPORT OF MOTION TO CHANGE PLACE
OF APPEAL TO AN IMPARTIAL VENUE
(have been taken judicial notice of by
California Supreme Court in No.242475 on
7/15/2017)**

I, Meera Fox , declare :

1. I am an expert witness for Ms. Shao in Shao v. McManis Faulkner LLP, case number of 112CV220571, currently pending in the Santa Clara County Superior Court.
2. The underlying case of Shao v. McManis Faulkner involves Ms. Shao suing Mr. Reedy and his firm for legal malpractice . She hired the firm specifically to overturn two unconstitutional orders which had deprived her of custody of her child without notice or opportunity to be heard.
Not only did Mr. Reedy fail to overturn the void orders , he chose not to do so when admonished by the judge that the best way to proceed was not to challenge the orders but to let them stay in effect. Reedy chose to do what the court wanted rather than follow his client's express directions to challenge and

overturn the unconstitutional orders and request the immediate return of her child to her custody. His allegiance was to his firm and to the judge , not to his client. He failed to disclose his conflict of interest with his client and failed to zealously advocate for Ms . Shao and her lost child.

3. Reedy stalled in following Ms. Shao ' s directive to challenge the orders until there was a new status quo of her only having supervised contact with her daughter. For this lack of assistance he billed her nearly one hundred thousand dollars . Ms. Shao is still only seeing her child with a supervisor, six and a half years later. According to the records of those visits , she has never in all that time behaved in any manner that would justify needing a supervisor.

4. Since being sued by Ms. Shao for his malpractice , it has become important to Mr. Reedy and the law firm of McManis Faulkner, for whom Mr. Reedy works, **to ensure that Ms. Shao not regain custody of her child**, since as long as she does not get her child back, they can argue that their failure to advocate for her did not cause the damage that she suffered. Not coincidentally, the judges who have denied Ms. Shao the return of her child ever since have been very close bedfellows with Michael Reedy and are two top executive members of his social " club ," the William A. Ingram American Inn of Court .

5. In reading the deposition transcript of Michael Reedy taken July 22, 2015 in the case of Shao v, McManis Faulkner, I learned that Hon. Zayner and Hon. Lucas have had a regular ongoing social relationship with Michael Reedy, socializing together at least 14 times per year throughout the past ten

years as members of the Executive Committee of the William A. Ingram American Inn of Court **[See Exhibit A, List of Executive Committee members of the Inn of Court, attached hereto and incorporated herein by this reference]**.

6. The website of the William A. Ingram American Inn of Court currently publicizes that Michael Reedy is its President Elect **[See Exhibit A]**. Judge Theodore Zayner is an officer in the Executive Committee of the William A. Ingram American Inn of Court, so he also socializes with Michael Reedy and Patricia Lucas at least fourteen times per year, organizing events and skits and dinners with them for their social club.

(See Exhibits B and C, Schedule of events and meetings of the William A. Ingram Inn of Court, and Schedule of meetings of its Executive Committee , attached hereto and incorporated herein by this reference.) Now here in the transcripts or pleadings that I read of the underlying cases in this matter did Judge Theodore Zayner ever disclose his relation ship to Michael Reedy through the William A. Ingram Inn of Court.

7. Judge Patricia Lucas is also an officer of the Executive Committee of the William A. Ingram American Inn of Court. **[See Exhibit A]** Ms. Shao has sued Judge Lucas, yet Judge Lucas made a ruling recently assigning a trial judge in the Shao v. McManis case when I was in court on November 30, 20 15. The way it is currently set up, under an order filed 5/29/ 16, Ms. Shao can only file motions in the lower court if she submits them first to the presiding judge for approval. The presiding judge is Patricia Lucas.

8. Judge Zayner refused to return Ms. Shao's child to her custody from late 2011 until early 2015, even though when self represented Ms. Shao attacked the unconstitutional orders which had been the basis for her loss of custody and had them vacated. The court set evidentiary hearings on custody but then repeatedly took them off calendar~ stalling the matter. During this time M. Shao sued Michael Reedy and McManis Faulkner for malpractice. She did not know how close a relationship Reedy or McManis had with Judge Zayner. It was not until Summer of 2013 that Ms. Shao finally got an evidentiary hearing on custody.

9. When Ms. Shao finally did get a hearing on custody it was before Judge Patricia Lucas, who failed to disclose her close personal relationship with Michael Reedy and Judge Zayner through the American Inn of Court. Ms. Shao had filed suit against Michael Reedy and the McManis Faulkner firm for malpractice 3/11/12. Had she known that Judge Lucas was so socially tied to Michael Reedy (Reedy testified in his deposition regarding their regular projects and dinners and skits through the American Inn of Court), she would have filed a 170.6 motion , but she did not know.

In November of 2013 Judge Lucas ruled against Shao regaining custody of her child and issued an order which contained pages of factual findings that were not based upon any evidence that was presented at the hearing.

10. No judge whom Ms. Shao has sued should be authorized to decide her legal matters since they all have an appearance of impropriety and inability to be impartial, just because of their being defendants

in a suit. Her underlying cases should be transferred to an impartial venue since she cannot get justice from those judges whom she has sued. As is explained in more detail below, Ms. Shao has been disallow ed to file any motion s or even have access to the online docket in one of her underlying cases. Any filings she does must pass the presiding Judge Lucas' pre-filing approval before being considered. Not only can she not get justice, she has no access to even seek justice so long as the court in Santa Clara County maintains venue.

11. Nowhere in the transcript s or pleadings that I read of the underlying cases in this matter did Judge Luca s ever disclose her relationship to Michael Reedy through the William A. Ingram American Inn of Court.

Judge Socrates Manoukian made an order recusing himself on December 2, 2015 based on the regular social relationship existing between his wife, Justice Patricia Bamattre-Manoukian, and Michael Reedy, through their both being officers of the William A. Ingram American Inn of Court. The order of recusal read.

Upon review of the file in the above-entitled matter, this Court will recuse itself because a person might reasonably entertain a doubt that the judge would not be able to be impartial.

To my knowledge that is the only lower court Judge involved in this matter who has acted appropriately to recuse himself to avoid the appearance of potential or actual conflicts of interest and bias, as required by Cannons 2 and 3 of the California Code of Judicial Ethics (Canon 2. A judge shall avoid impropriety and the appearance of impropriety in al] of the judge 's

activities. Canon 3. A judge shall perform the duties of judicial office impartially, competently, and diligently).

Judge Tigar of the US District Court acted appropriately in recusing himself from a related case on the basis that another judge in his court was among the defendants along with Lucas. He quoted the US Judicial Conference's Guide to Judiciary Policy which states:

When a judge or judicial nominee is named as a defendant and his credibility or personal or financial interests are at issue, **all judges of the same district should recuse**, unless the litigation is patently frivolous or judicial immunity is clearly applicable [**emphasis added**].

FURTHER DIRECT CONFLICTS OF INTEREST CREATING AN APPEARANCE OF IMPROPRIETY AND REQUIRING A VENUE CHANGE:

12. In reviewing the files in Shao v. McManis Faulkner I became aware that the McManis Faulkner law firm has published on its website throughout the past many years that Santa Clara County Superior Court is one of its clients that it has represented.

13. From reading the transcript of the deposition of James McManis taken on July 20, 2015, I am aware that James McManis admitted that he has in the past represented several Santa Clara County Superior Court judges and an unidentified Justice of the Sixth Appellate District California Court of Appeal, as well as one judge who serves on the California Supreme Court.

14. From reading court testimony of William

Faulkner on December 9, 2015 I am aware that James McManis has been a quasi-employee of the Santa Clara County Superior Court by serving as a Special Master for the court for years past.

15. Because James McManis has an attorney client relationship with the Court itself and with several of the court's personnel, in addition to serving as a quasi judicial officer for the Santa Clara County Superior Court and thus quasi employee of the court, there is a conflict of interest in the court and its personnel deciding a case in which he is the defendant. There is an appearance of impropriety in this situation which requires recusal of all judges who work for the court which Mr. McManis' firm has represented, and removal of the matter to an impartial forum. Any reasonable person knowing these facts will be likely to believe that the current court will be unable to be impartial. Any member of the public knowing these facts would agree that it is unlikely the court would be able to avoid bias in favor of its own attorney and employee.

Where a judge has been represented by attorneys or law firms appearing before the judge, **disqualification is required** under the objective standard of the appearance of bias unless other facts dispel that appearance of bias. *Smith v. Sikorsky Aircraft* (C.D. Cal. 1976) 420 F. Supp. 661, 662; *Powell v. Andersson* (1Vlin.2003) 660 N.W.2d 107, 116-119.

16. Because Mr. McManis also represents a judge serving on the Sixth District Court of Appeal, for the same reasons, Ms. Shao will be unable to have a fair appeal in the Sixth Appellate District California Court of Appeal. I am informed from referencing

their public biographies that all but one of the Justices of the Sixth Appellate District California Court of Appeal are former Judges of the Santa Clara County Superior Court. That means they are or have in the past been colleagues, coworkers and possibly clients of James McManis. There is an appearance of impropriety in having friends and former coworkers of a defendant decide a Plaintiff's appellate matters, especially when the Defendant's only defense requires the appeals to be dismissed or otherwise fail.

ACTUAL IMPROPRIETY – FORGED DOCUMENTS AND ALTERED DOCKETS:

17. Recently it also became very important to the firm of McManis Faulkner that Ms. Shao's appeals be dismissed. Not coincidentally, since that became an express priority of the McManis firm, the deputy clerk in charge of records for the appellate division has illegally created several forged and baseless notices of noncompliance and has illegally altered the docket of Ms. Shao ' s underlying cases many times. Such notices, when received at the appellate court have, within minutes of receipt, resulted in summary dismissals of the appeals despite there being requirements that appeals cannot be dismissed without notice and a motion requesting dismissal. Some of these notices have to this date never been seen by anyone besides Justice Rushing and the deputy clerk of the lower court who keeps issuing them. They get noted in the dockets of the various cases and dismissals are issued by Justice Rushing , without the actual notice of non compliance or dismissal ever being served on the appellant or filed in the case files at either court. 18. At the pretrial

hearings in the malpractice case of Shao v. McManis, when Defendants presented their motions in limine , their defenses were all based upon lack of causation, citing collateral estoppel of Judge Lucas' 2013 order denying Ms. Shao custody. Over Ms. Shao's objection~ Judge Woodhouse agreed to stay the case until the appeal of Lucas' order was dismissed or otherwise resolved, such that then collateral estoppel could be argued . He reasoned that the theory is inapplicable while the order is still on appeal. This would have left McManis Faulkner with no defense to the malpractice claim.

19. In support of their motion to stay pending the resolution of Ms. Shao's appeal, counsel for defendants mentioned on the record on 12/ 10/ 15 that it was likely the Shao appeal would be dismissed for failure of Ms. Shao to post the required fees for the court reporter. This seemed an odd thing to say at the time since the transcript had already been designated, paid for, and lodged with the appellate division of the Superior Court in October of 2014. (Despite a nine month delay by R. Delgado, deputy Clerk of the appellate division, in sending those transcripts to the court of appeal, the court of appeal shows. them having been filed 10/3/ 14 and received by it on 7/21/15.) Nevertheless, counsel for defendant's prediction of why the appeal would get dismissed turned out to be the very wording by which the appeals were later dismissed.

THE COURT: Any suggestions as to how long the stay should be?

MS. EVERS ON: My suggestion is that we put this on a 90- or 180-day case management conference so that we can check in with you and tell you the

status . In reviewing the appellate court dock et, it appeared there was a problem with getting the transcript.

I thought that the appeal had been dismissed because Ms. Shao hadn't done her due diligence to get the transcript requested. [December 10, 2015 transcript of Shao v. McManis Faulkner et al.]

20. The first Case Management Conference to review the status of the division appeal took place on Friday March 11, 2016.

21. Within 24 hours of that Conference , **on a Saturday**, March 12, 20 16, Deputy clerk R. Delgado of the trial court 's appellate division somehow gained entry to the otherwise closed courthouse and therein create d two false notices of non-compliance in Ms. Shao's two appeals , entered them into the dockets for those two cases but did not file the actual documents in either file, did not notice any party of such "notices," and sent them somehow to Justice Rushing at the appellate court immediately, despite that court being closed on Saturdays and despite there being no mail delivery on Sunday.

22. These falsified Notices of Non-compliance issued by Delgado asserted that Ms. Shao had failed to deposit the reporter's transcript fee timely. **In fact the transcripts had already been paid for, produced, and received by Rebecca Delgado on 10/3/14** and she had delayed in sending them to the appellate court until nine months later, on 7/21/15. [See **Exhibits D, Designation of Court Reporter's Transcript for Appeal, dated October 3, 2014 and stamped received**

by the Appellate Court October 7, 2014 and Exhibit E, Court Reporter's Transcripts deposited with the court pursuant to Rule 8.130(b)(3), dated October 3, 2014, and stamped received by the Appellate Court July 21, 2015, both attached hereto and incorporated herein by this reference].

23. On March 12, 2016, when she issued the fake notices of non compliance, Rebecca Delgado **had already had full compliance for 17 months.** The Appellate court had had full compliance for eight months already, and the only reason it had not had the transcripts for as long as Ms. Delgado had had them was because of her lengthy delay/refusal to forward them to the court of appeal.

However, they were already paid for and on file in the appellate court file when she issued the two false notices of non compliance stating the transcript fee had not been paid.

24. These falsified and groundless notices of non compliance must have been created as a favor to McManis Faulkner, who needed the appeal dismissed in order to be able to assert their collateral estoppel defense in the malpractice trial of Shao v. McManis Faulkner.

Such illegal use of court clerks and supervisors to perjure and create false documents shows how much influence McManis Faulkner has with the Santa Clara County Court. This kind of illegal collusion is the basis upon which Ms. Shao has been asking for removal of the underlying case

from the county where McManis Faulkner is both the attorney for the court, the employee of the court, the colleague of the court officers and the member of the bar with enough pull to somehow get deputy clerk R. Delgado to take a Saturday and go into the court for the purpose of illegally changing the dockets in two cases and sending out a fake notice of noncompliance to the appellate court.

25. On the Monday immediately following R. Delgado's Saturday creation of perjured documents and alteration of the court dockets in Ms. Shao's two appeals, March 14, 2016, within the first 25 minutes of the court being open, Presiding Justice Conrad Rushing of California Sixth District Court of Appeal issued a dismissal of the two Shao Appeals, which dismissals were immediately processed by the clerk.

26. Ms. Shao received electronic notice at 9:25am Monday 3/14/16 of her appeals having been dismissed already based upon papers just created that Saturday 3/12/16. **[See Exhibit F, Electronic**

26. Somehow Justice Rushing had received R. Delgado's falsified notices of non compliance first thing Monday morning despite her having only created it Saturday, when the courts were closed, and there being no postal delivery on Sundays. It was his first order of business that Monday to process the dismissal, even though no one had officially asked him to do so and no motion to dismiss had been filed. **The order of dismissal is attached hereto as**

Exhibit H and incorporated herein by this reference. Note how it was issued at the same time as the required Notice notice, time stamped 9:25 am Monday 3/14/16, attached hereto and incorporated herein by this reference.]

None of those actual paper notices of Non-Compliance created by R. Delgado were ever served on Ms. Shao, nor could she get copies of them from the clerks at either court until a month later **[See Exhibit G, Notice of Appellant's non-Compliance (CRC 8.130-Depo_sit for court reporter's transcript not timely deposited), attached hereto and incorporated herein by this reference].**

27. Somehow Justice Rushing had received R. Delgado's falsified notices of non compliance first thing Monday morning despite her having only created it Saturday, when the courts were closed, and there being no postal delivery on Sundays. It was his first order of business that Monday to process the dismissal, even though no one had officially asked him to do so and no motion to dismiss had been filed. The order of dismissal is attached hereto as Exhibit H and incorporated herein by this reference. Note how it was issued at the same time as the required Notice of Default, also dated March 14, 2016, which no one sent to Ms. Shao prior to her receiving electronic notice at 9:25 am of the dismissal. The concurrent notice of default is attached hereto and incorporated herein by this reference as Exhibit I.

28. Such dismissals were illegal as entered without

any prior notice nor any motion to dismiss pending, as is required by Rule 8.57(a) of the California Rules of Court.

29. Justice Rushing vacated the dismissal on April 12, 2016 based on Ms. Shao's motion to vacate. In that motion, Ms. Shao reminded the court and provided proof that the Santa Clara County Superior Court had been stalling and attempting to undermine her ability to appeal from Judge Lucas's custody statement of decision and order since she had first filed her notice of appeal, by R. Delgado refusing to prepare records for appeal and also disallowing the court reporter to file the trial transcripts until they sent her a notice of appeal, which they delayed in doing for months. In frustration, Ms. Shao had petitioned the appellate court to order deputy clerk Delgado to prepare the records needed for the appeal, but justice Rushing had denied this motion on 12/18/15.

30. Then, when Rebecca Delgado stalled for so many months refusing to send the finished transcripts to the appellate court, Ms. Shao had to file a further motion in a related appeal requesting an order from the appellate court to require R. Delgado to send it the transcripts. Justice Rushing denied that motion as well. So the already paid for transcripts were in existence for over a year and both Delgado and Rushing had been placed on notice of that several times in the past year before they dismissed the appeal for noncompliance--lack of fees to prepare transcripts.

31. Any reasonable attorney or member of the public who knew of the sequence of events described above

that occurred from March 12, 2016 through March 14, 2016 would believe that there was a conspiracy to dismiss Ms. Shao' s appeals which involved at least Deputy Clerk of Court R. Delgado on behalf of Santa Clara County Superior Court, Justice Rushing of the California Sixth Appellate District Court of Appeal, and the firm of McManis Faulkner if not their attorneys.

There is no other explanation for why R. Delgado would go in to work on a Saturday specifically for the sole purpose of creating false perjured documents to effect the specific relief required by McManis Faulkner to assert their collateral estoppel defense.

There is no other explanation for why Justice Rushing would be expecting the falsified notices to arrive first thing that Monday morning and to explain how he had the appeals dismissed within 25 minutes of their receipt. There is no other explanation for why a presiding justice would be willing to violate an appellant's due process rights by summarily dismissing her appeals without anyone filing a motion to dismiss and without providing her any notice, in direct violation of the rules of court.

32. Further such attempts to re-issue false notices of non-compliance and to dismiss the appeals have continued to the present date. Ms. Shao now has to print out the docket daily in each case to track the changes the court makes to the dockets. Recently the Superior Court took her underlying family law matter completely off the court's website, so now she has no access to even check that case docket for any further false notices being issued.

33. On February 27, 2017 The docket of H040395

showed an entry of another Default Notice for failure to pay reporter's transcript fees identical to the March 12, 2016 Notices of Non-compliance. Ms. Shao reported to me that she investigated and discovered from clerks of both Santa Clara County Superior Court and California Sixth Appellate Court of Appeal that the Notice shown on the docket of H040395 is a false entry, as no such notice was in either courts' file. The entry into the docket of a notice that does not exist constitutes more felonious tampering with court records. These shenanigans seem motivated to make Ms. Shao feel persecuted and harassed.

34. On March 6, 2017, Ms. Shao filed an "Objection to February 24, 2017's Notice" with Santa Clara County Superior Court and sent a letter to the Presiding Judge informing her of the alteration of docket of 105FL126882 which included the false purported Default Notice. Ms. Shao also complained of the family law case 105FL 126882 having been taken off the court's website completely **such that she cannot even access the docket to monitor** further false entries by deputy clerk Delgado.

35. On March 7, 2017, Ms. Shao filed a "Motion to Strike the Purported Notice of Non-Compliance of February 24, 2017 (purportedly filed with this Court on February 27, 2017) and Renewed Motion to Reverse, Remand with Instruction to Change Place of Trial/ Appeal". The clerk at the California Sixth Appellate District Court of Appeal withheld such motion from filing until after March 23, 2017.

36. **On March 8, 2017, Presiding Judge Patricia Lucas of Santa Clara County Superior Court, the judge who issued the custody statement of decision and order that is the subject of appeal**

of H040395, sent a letter to Ms. Shao stating that the Court would not take any action on Ms. Shao's letter of complaint (of alteration of court's files in violation of California Government Code Sections 68150 and 68152). Judge Lucas invited Ms. Shao to file a complaint about her with the Commission on Judicial Performance if she was dissatisfied.

37. Five days after Presiding Judge Lucas's letter, on March 14, 2017, Santa Clara County Superior Court made another identical false Default Notice to the prior one, and filed it with California Sixth Appellate Court of Appeal.

38. On March 21, 2017, Ms. Shao filed with Santa Clara County Superior Court another "Objection to the 5th False Default Notice Dated March14, 2017."

39. On March 28, 2017, Presiding Justice Conrad Rushing issued an Order "granting" Ms. Shao's first motion to strike. However, in order to minimize his having summarily dismissed her appeals based upon false defaults, Justice Rushing chose to reframe Ms. Shao's motion to strike as a motion for leave to cure the default, and ordered Ms. Shao to cure the default. In fact there was never any default to cure. Ms. Shao had paid the court reporter in 2014 and deposited the trial transcripts with the court and designated the transcripts for appeal in October of 2014 [See Exhibits D&E].

40. In granting a motion for leave to cure a default that Ms. Shao had not pled nor made, Justice Rushing compounded the fraud involved in the fabricated default and faked notice of noncompliance. **His order to Ms. Shao to cure the default when there was no such default only served to make it appear that she had in fact defaulted. But she**

never did.

41. On March 29, 2017, Ms. Shao filed a second motion to strike--- the 5th false Default Notice, which was apparently Dated March 14, 2017. She also renewed her request to change venue. The appellate court filing clerk withheld the motion from the docket two and a half weeks, until April 3, 2017, shortly after Ms. Shao made a phone call to the Clerk's Office of California Sixth Appellate District Court of Appeal to find out why it never got onto the docket.

42. Ms. Shao reported to me that The Clerk informed her that the motion was filed but could not be shown on the docket until approval of the court, who she stated to Ms. Shao was Presiding Justice Rushing.

43. On March 30, 2017, Ms. Shao filed a "Response to the Court's Order of March 28, 2017." Thus far, just like with Ms. Shao's prior motion, Justice Rushing has not approved this filing to be shown on the docket of H040395. Justice Rushing's 2 to three week pre-screenings of all Ms. Shao's pleadings and interfering with the clerk's administrative duty to file motions when received are violations of Ms. Shao's

fundamental right to have access to the court, to be afforded due process, and they interfere with her right to appeal.

44. On April 24, 2017, Santa Clara County Superior Court again resent the March 14, 2017 Default Notice. So the shenanigans continue. Ms. Shao is having to undo dismissals left and right because of all these false notices of non-compliance.

45 .Even though when asked by Ms. Shao to reverse this illegal dismissal Justice Rushing did, it is clear

that he will not be able to be impartial or neutral in deciding this matter, and no judge serving under him as presiding justice will be able to be assumed safe either, after that impropriety. Justice Rushing should forthwith recuse himself from any panel hearing or deciding any of Ms. Shao's appeals or any matters brought before him by McManis Faulkner.

46. Since Justice Rushing's impropriety in this matter casts a reasonable appearance of bias and impropriety over the entire court over which he presides, Ms. Shao's appeal should be transferred to a venue that is not infected by the same appearance of bias and inability to be an impartial tribunal. The matter should be transferred to a jurisdiction outside McManis Faulkner's sphere of influence with the judiciary.

47. The court's duty is to avoid the appearance of impropriety and partiality. When actual improprieties are also regularly occurring, removal to an impartial venue is necessary. I hope that the court will do its duty and transfer these matters to an impartial court.

48. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge, except as to those those items based upon information and belief, and as to those, after researching the particulars, I believe them to be true.

/s/ MEERA FOX

Meera Fox, Esq.

[EXHIBIT A TO MEERA FOX'S DECARATION]

AMERICAN INNS OF COURT

WILLIAM A. INGRAM INN

No. 30012 Founded 1985

2016- 2017 Executive Committee

Honorable Peter H. Kirwan

Superior Court of California

County of Santa Clara

President

Michael Reedy, Esq.

McManis Faulkner

President-Elect

Honorable Theodore C. Zayner

Superior Court of California

County of Santa Clara

Secretary

Paul S. Avilla, Esq.

McPharlin Sprinkles & Thomas LLP

Treasurer

Daniel Ballesteros, Esquire

Hoge Fenton Jones & Appel

Chair, Program Committee

Honorable Helen E. Williams

Superior Court of California

County of Santa Clara

Chair, Arrangements Committee

David J. Tsai, Esq.

Vinson & Elkins LLP

Chair, Membership/Outreach Committee

Daniel Casas, Esq.

Casas Riley Simonian LLP

Chair, Mentoring Committee

Nora Frimann, Esq.

Office of San Jose City Attorney

Chair, Achieving Excellence

Caroline McIntyre, Esq.

Bergeson, LLP

Past President

Honorable James P. Kleinberg (Ret.)

JAMS

Past President

Honorable Patricia M. Lucas

Santa Clara County Superior Court

Past President

Honorable Patricia Bamattre-Manoukian

California Court of Appeal, 6th District

Past President

Dean Emeritus Donald Polden

Santa Clara University School of Law

Member-at-Large

Professor Ron Tyler

Stanford University Law School

Member-at-Large

[EXHIBIT B TO MEERA FOX'S DECARATION]
AMERICAN INNS OF COURT WILLIAM A.
INGRAM INN
No. 30012 - Founded 1985
2016- 2017
Executive Committee Meetings
Thursdays @ Noon
Hoge, Fenton, Jones & Appel
60 South Market Street, #1400
San Jose, CA 95113
October 13, 2016
November 10, 2016
February 2, 2017
March 2, 2017
April 6, 2017
May 4, 2017

[EXHIBIT C TO MEERA FOX'S DECARATION]

AMERICAN INNS OF COURT

WILLIAM A. INGRAM INN

No. 30012 - Founded 1985

2016- 2017 Schedule of Inn Meetings

Inn meetings, except as noted below, are scheduled on the second Wednesday of each month, with ***socializing*** at 5:30 p.m., and the program beginning at 6:00 p.m.:

September 21, 2016

Dinner Meeting: Adobe Lodge, Santa Clara University

October 19, 2016

General Meeting: **U.S. District Court**, Courtroom 1, 5th Floor (Ceremonial Courtroom)

November 16, 2016

General Meeting: **U.S. District Court**, Courtroom 1, 5th Floor (Ceremonial Courtroom)

January 10, 2017 (Tuesday)

Ingram Symposium: Santa Clara University

February 8, 2017

Dinner Meeting: Adobe Lodge, Santa Clara University

March 8, 2017

General Meeting: **U.S. District Court**, Courtroom 1, 5th Floor (Ceremonial Courtroom)

April 12, 2017

General Meeting: **U.S. District Court**, Courtroom 1, 5th Floor (Ceremonial Courtroom)

May 10, 2017

Dinner Meeting: Adobe Lodge

Please note that notices will be sent prior to each meeting with additional program information, including confirmation of location and time.

[EXHIBIT D TO MEERA FOX'S DECARATION]

FILED 10/3/2013

[stamp] RECEIVED Court of Appeal, Sixth District
on 10/7/2016

Case 105-FL-126882

Appeal No.: H040977

NOTICE OF DESIGNATION OF
COURT REPORTER'S TRANSCRIPT
AND CLERK'S TRANSCRIPT FOR
APPEAL FROM 3/14/2014 ORDER

[OMITTED HERE]

[EXHIBIT E TO MEERA FOX'S DECARATION]

FILED 10/3/2013

[stamp] RECEIVED Court of Appeal, Sixth District
on 7/21/2015

Case 105-FL-126882

Appeal No.: H040977

COURT REPORTER'S TRANSCRIPT DEPOSITED
WITH THE COURT PURSUANT TO RULE

8.130(b)(3)

[EXHIBIT F TO MEERA FOX'S DECARATION]
GMAIL

Servicing Notification for H040395

1 message

TrueFiling <truefilingadmin@truefiling.com>

Mon, Mar 14, 2016 at 9:25 AM

To: Yi Tai Shao <attorneylindashao@gmail.com>

The document listed below is being electronically served to you for case H040395 for California Court of Appeal, Sixth Appellate District by B. Miller (BMILLER) from Court of Appeal, Sixth Appellate District

" Document Title: H040395 - **Order - DISMISSAL ORDER FILED. - 3/14/2016**

- Case Number: H040395

" Description: FL1268821Shao v. Wang

- Link: Click to download document

The following people were electronically served this document.

- Yi Tai Shao (attorneylindashao@gmail.com)

- David Sussman (spkdalaw@aol.com)

., B. Miller (truefilingadmin@truefiling.com}

If you are unable to view the document using the hyperlink above, please copy and paste the entire URL into a web browser's address bar.

https: (omitted)

Thank you,

California Court of Appeal, Sixth Appellate District

[EXHIBIT G TO MEERA FOX'S DECARATION]

Filed: March 12, 2016 (Saturday)

**REceived March 14, 2016 electronic stamp by
Court of Appeal, sixth district:**

**SUPERIOR COURT OF CALIFONIA, SANTA CLARA
COUNTY**

PLAINTIFF: LINDA SHAO

DEFENDANT: TSAN-KUEN WANG

105FL126882

h040395

NOTICE OF APPELLANT'S NONCOMPLIANCE

X CRC 8.130 DEPOSIT FOR COURT REPORTER'S

TRANSCRIPT NOT TIMELY DEPOSITED

[omitted]

CLERK'S CERTIFICATE OF MAILING

DATED: 3/12/2016

R. DELGADO

[OMITTED]

DEPUTY R.

DELGADO

[EXHIBIT H TO MEERA FOX'S DECARATION]

Electronically FILED on 3/14/2016 by B. Miller,
Deputy Clerk
IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA

SIXTH APPELLATE DISTRICT

In re the Marriage of LINDA SHAO and
TSAN~KUEN WANG.

LINDA SHAO,
Appellant,

v.

TSAN-KUEN WANG,
Respondent.

8040395

Santa Clara County No. FL 126882

BY THE COURT:

The appellant having failed to procure the record on appeal within the time limits allowed or within any valid extensions of these time limits, and having further failed to apply to this court for relief from default, the appeal filed on November 18, 2013, is dismissed. (Sec rule 8.140(b), California Rules of Court.)

Date:03/14/2016 /s/ Conrad L. Rushing,PJ

[EXHIBIT I TO MEERA FOX'S DECARATION]

FILED March 14, 2017
SANTA CLARA COUNTY, SUPERIOR COURT OF
CALIFORNIA

105-FL-126882

H040395

PLAINTIFF: linda YI TAI SHAO

DEFENDANT: TSAN-KUEN WANG

APPELLANT'S DEFAULT NOTICE
CRC 8.130 DEPOSIT FOR REPORTER'S TRANSCRIPT
NOT TIMELY DEPOSITED.

BY: /s/ R. Delgado

R. DELGADO

**DOC#26: 12/9/2016 CASE MANAGEMENT
CONFERENCE IN FRONT OF JUDGE DEREK
WOODHOUSE**

YI TAI SHAO AKA	NO. 112CV220571
LINDA YI TAI SHAO	REPORTER'S
PLAINTIFF	TRANSCRIPT OF
V.	PROCEEDING BEFORE
MCMANIS FAULKNER,	THE HONORABLE
LLP, JAMES MCMANIS,	DEREK WOODHOUSE
CATHERINE BECHTEL,	JUDGE OF THE
MICHAEL REEDY	SUPERIOR COURT
DEFENDANTS	DECEMBER 9, 2016

p.20 and p.21

MS. SHAO: YES. AND SO I FILED A MOTION WITH PRESIDING JUSTICE CONRAD RUSHING. I FILED A MOTION THERE. I ASKED JUDGE RUSHING TO ISSUE AN ORDER REQUIRING THE TRIAL COURT, SANTA CLARA COUNTY APPELLATE UNIT, ORDER THE CLERK TO PREPARE THE RECORDS OF APPEAL PURSUANT TO RULES OF COURT. IT WAS DENIED. AND THEN I FILED A MOTION ASKING THE COURT THAT PLEASE ALLOW ME TO CHANGE MY DESIGNATION OF RECORD SO THAT I CAN PROVIDE EXCERPTS INSTEAD OF RELYING ON THE RECORD. IT WAS AGAIN DENIED.

HOW CAN I PROCEED WITH APPEAL WHEN— WHEN THERE'S NO RECORD APPEAL AND THE COURT DISALLOW ME TO PREPARE RECORDS OF APPEAL MYSELF AS WELL.

...He has been helping Mcmanis Faulkner to block the appeal to be going on, then this case will never go to trial because they block appeal. appeal cannot

move on without the records appeal. I cannot file any opening brief.

It has been there three years. It's just ridiculous. it is three years and I cannot move on for appeal and the court—

THE COURT: okay. okay. NOW IS THERE ANY UNUSUAL BLOCKAGE OF THIS APPEAL?

MR. LAMBIE: not to my understanding, your honor. **I think the delay that we're encountering has to do with record preparation.** Beyond that, I'm not aware of any unusual blockage.

I DO KNOW THAT SANTA SLARA IN GENERAL HAS A SIGNIFICANT BACKLOG OF RECORD PREPARATION REQUESTS FOR APPEALS. BUT I DON'T KNOW THERE IS ANY UNUAL FACTOR OTHER THAN THAT.

I WOULD ALSO POINT OUT THAT ANY DELAY DUE TO WAITING FOR THE COURT OF APPEAL TO RULE HAS NO PREJUDICE TO MISS SHAO. No one--- **she has alluded repeatedly to the five-year rule.** But as we have already established several times over, **the five-year rule doesn't apply to the pendency of this case.**

DATED 1/3/2017

HEATHER J. GORLEY, CRR CSR 39195

**DOC#27: CHECK PAYMENT ON 5/6/2014 OF
\$3072.60 SHOWS THAT SANTA CLARA
COUNTY SUPERIOR COURT FABRICATED
FALSE NOTICE TO DISMISS CHILD CUSTODY
APPEAL THAT SHAO FAILED TO PROCURED
THE REPORTER'S TRANSCRIPTS.**

Linda Yi Tai Shao #1034 (check
number)
560 S. Winchester Blvd., Ste. 500 5/6/2014
San Jose, CA 95128-2500

**Pay to the order of Julie Serna \$3,072.60
Three Thousand Seventy-Two and 60%**

Charles Schwab Bank
Reno, Nevada
For 105FL126882 (original +1 CD) transcript from
7/9/2013

**DOC#28: COPY OF CERTIFICATE OF COURT
REPORTER WAIVING DEPOSIT FILED BY
JULIE SERNA WITH THE FAMILY CASE ON
MAY 8, 2014**

IN THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA IN AND FOR THE COUNTY OF
SANTA CLARA

LINDA YI SHAO PETITIONER/APPELLANT VS. TSAN-KUEN WANG RESPONDENT/RESPONDENT.	CASE NO. 105- FL-126882 CERTIFICATE OF COURT REPORTER'S WAIVING DEPOSIT
--	--

TO THE CLERK OF ABOVE-ENTITLED COURT,
APPEALS DIVISION
YOU ARE HEREBY NOTIFIED THAT I, JULIE T.
SERNA, OFFICIAL COURT REPORTER IN THE
PROCEEDINGS OF THE ABOVE-ENTITLED
ACTION, HELD ON JULY 10 THROUGH 12, 2013,
AND JULY 15 THROUGH 18, 2013, HEREBY
WAIVE THE DEPOSIT OF THE COURT
REPORTER FEES BY APPELLANT/RESPONDENT
AS REQUIRED BY RULE 4 OF THE CALIFORNIA
RULES OF COURT.

DATE: 5/8/04

SIGNED: /S/ JULIE SERNA

JULIE T. SERNA, SCR#7890

**DOC#29: THE COURT CONCEALED THE
DOCKET TO CONCEAL THEIR PURGING
JULIE SERNA'S CERTIFICATE-MARCH 6,
2017 LETTER TO SANTA CLARA COUNTY
COURT'S PRESIDING JUDGE ASKING
CHANGE OF VENUE BECAUSE (1)
DISAPPEARANCE OF FAMILY CASE DOCKET
OF 2005-1-FL-126882, (2) REPEATED FALSE
NOTICE OF DEFAULT FROM SANTA CLARA
COUNTY COURT SHOWN ON THE DOCKET
OF CHILD CUSTODY APPEAL (H040395)**

SHAO LAW FIRM, PC

1999 S. Bascom Avenue, Ste. 700

Campbell, CA 95008

March 6, 2017

**COURT SERVICES
(STAMP RECEIPT)**

Presiding Judge Rice Pichon (Dept. 17)

Superior Court of California

Santa Clara County

191 N. First Street

San Jose, CA 95113

Re **105FL126882** Objection and request PJ to change
venue pursuant to CCP Section 397(b)

Dear Presiding Judge:

Attached please find my objection to the illegal
activity of this Court in generating the 4th false
notice of non-compliance and further repeatedly
altered the court's records to an extreme of
**disallowing any public access from the court's
on-line docket.** I am prejudiced by this Court to an
extent that the Court has repeatedly committed
crimes and refused to recuse itself to avoid direct

conflicts of interest.

Please remove the venue accordingly

Thank you very much for your attention. Look forward to hearing from you at your earliest convenience.

Sincerely yours,

Yi Tai Shao ., Esq.

CC: David Sussman, attorney for Respondent, and
BF Fadem, appointed child attorney

**DOC#30 PRESIDING JUDGE PATRICIA
LUCAS'S RESPONSE ON MARCH 8, 2017**

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

MARCH 8, 2017

Yi Tai Shao, Esq.
SHAO LAW FIRM. PC
1999 S. Bascom Avenue. Suite 700
Cw1pbell. CA 95008
Re: Case No. 1-05-FL-126882

Dear Ms. Shao:

I have received and reviewed your letter dated
March 6, 2017 concerning your family law case. I will
be taking no further action on your letter.

If you are dissatisfied with the Court's action on your
complaint, you have the right to request the
Commission on Judicial Performance to review this
matter. The Commission's address is:

Commission 011 Judicial Performance
455 Golden Gate Avenue. Suite 14400
San Francisco, California 94102-3660

Very truly yours,
/S/ PATRICIA LUCAS
Patricia. M. Lucas
Presiding Judge
Santa Clara County Superior Court

**DOC#31: ORDER OF DISMISSAL OF MAY 10,
2018 OF THE CHILD CUSTODY APPEAL
(H040395; PETITION 18-569) TAKING
ADVANTAGE OF SHAO'S OVERSEAS**

Electrically filed on 5/10/2018 by S. Nasson, Deputy
Clerk

IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA SIXTH APPELLATE DISTRICT

In re the Marriage of LINDA SHAO and TSAN-
KUEN WANG.

LINDA SHAO,

Appellant,

v.

TSAN-KUEN WANG,

Respondent.

H040395

Santa Clara County No. FL126882

BY THE COURT:

The appellant having **failed to procure the record on appeal** within the time limits allowed or within any valid extensions of these time limits, and having further failed to apply to this court for relief from default, the appeal filed on November 18, 2013, is dismissed. (See rule 8.140(b), California Rules of Court.)

Dated 5/10/2018 GROVER J. Acting P.J.

**DOC#32 SHAO'S MOTION TO VACATE
5/10/2018'S DISMISSAL (H040395) FILED ON
5/23/2018**

IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA
SIXTH APPELLATE DISTRICT

In re the Marriage of LINDA SHAO and TSAN-
KUEN WANG

Appeal from 11/4/2014's Order Issued By the
Superior Court of Santa Clara County, Case No.
105FL126882

Judge Patricia Lucas

**APPELLANT'S MOTION TO VACATE MAY 10,
2018'S DISMISSAL**

To Justices of the Court of Appeal, Sixth Appellate District: Appellant Yi Tai Shao respectfully requests that the dismissal of May 10, 2018 be set aside as (1) **such dismissal was made without notice** in violation of due process, and **without a notice or motion in violation of Rule 8.57**, (2) the Court **did not give any notice on its ruling of Appellant's Motion to Vacate its June 8, 2017's Order and Request to Change Place of Appeal**, which was not on the docket of H040395 on May 7, 2018 as now showed on the docket and there was no email notification of such May 7, 2018's denial.

The court was already made known to Appellant's being unable for travelling overseas on May 11, 2018. This abrupt, lack of notice, dismissal of this very contentious custody appeal on May 10, 2018 with a delayed notice of dismissal on May 11, 2018 appears to be nothing less than another silent dismissal, trying to take advantage of appellant's unavailability.

Appellant filed her motion to vacate/reconsider June 8, 2017's Order which was pending for about 10 months; regarding this, Appellant never received a notice before May 10, 2018. Who signed the order of denial and the specific reason of denial were both unknown.

On May 22, 2018, Appellant checked on the docket of this case and was surprised at seeing a dismissal. This Court had been criticized to have conspired with James McManis, Michael Reedy and McManis Faulkner in dismissing this appeal on March 14, 2016 and in a series of further attempts to dismiss with multiple irregularities since February of 2017. This silent dismissal on May 10, 2018 violates due process and Rule 8.57 of California Court of Appeals that must be set aside. Such dismissal also violates California Penal Code Sections 182 and 96.5 that is well in excess of all jurisdiction of this Court. This court has knowingly disregarded the long lasting issue of Santa Clara County Court's failure to comply with Rule 8.130 and Rule 8.140 in failing to generate the "records on appeal", including trial transcripts of July 2013 even though the lower court was required to file the records on appeal within 30 days of designation of records.

It is undisputed that this Court of Appeal has assisted Santa Clara County Court in deterring filing of the court reporter's trial transcript for July 2013's trial for 4 years, which Appellant has paid \$3,072 in early 2014 where the reporter Julie Serna stated that the Appellant Unit of Santa Clara County Court disallowed her to file with this Court of Appeal. Regarding this, Appellant filed two motions asking

this Court to order compliance of Santa Clara County Court since December 10, 2015 to no avail as this court denied both motions.

In July 2015, this court received all other transcripts that were not directly on issue for the July 2013's trial but never required the reporter's certificate when most transcripts were in the court's file of H037820 until April 28, 2017, nearly two years later. The most important transcripts, trial transcript of July 2013, have been suppressed by this Court of Appeal but picked on the other transcripts when at that time, the court reporter did not issue signed certificates and there is no reason to doubt the veracity of such transcripts.

Appellant moved to change venue and provided legal authority to rebut the order of June 8, 2017. Yet, **such motion was silently denied on May 7, 2018 according to the docket without serving the order at all. The denial did not show on the docket of H040395 until May 11, 2018.**

Rule 8.57 requires a noticed motion to dismiss the appeal. Appellant spent a lot of money on this appeal, including, without limitation to \$3,072 for the court reporter's fees, and at least \$20,000 for Petition for Writ of Certiorari and about \$3,500 for printing the Petition for Writ of Certiorari as well as the filing fees for the Supreme Courts. Respondent never needed to do any work but this court has been advocating for Respondent as his attorney, which is all because of the courts' undisclosed attorney-client relationship, colleague relationship and regular social relationship with James McManis, Michael Reedy and McManis Faulkner, LLP. Please see Exhibit 2 for Declaration of Meera Fox that was filed

with H039823 on April 24, 2017 with this court, which had been taken judicial notice of by California Supreme Court on July 19, 2017 in H242475. This court's undisclosed cozy relationship with McManis Faulkner, LLP is demonstrated by Declaration of Michael Bruzzzone which is attached hereto as Exhibit 1. This court kept used these shenanigans to exhaust Appellant's time such as to cause so many appeals and that Appellant was never given a reasonable time to respond. This dismissal is illegal. Appellant respectfully moves this court to set aside the dismissal of May 10, 2018 based on violation of due process, violation of Appellant's fundamental right to access the court, right to appeal.

Appellant has been in overseas since about May 11, 2018 and **unaware of the court's dismissal of this appeal which was only given notice via an inconspicuous email of May 11, 2018 while Appellant was unavailable.** Appellant promptly makes this motion without any delay after noticing this irregular dismissal while she is overseas based on violation of Rule 8.57 and violation of due process. The Appellant swears under the penalty of perjury under the laws of the State of California that the foregoing is true and accurate to the best of her knowledge.

Dated: May 23, 2018 Respectfully submitted,
SHAO LAW FIRM PC

/s/ Yi Tai Shao

Yi Tai Shao

**DOC#33 GOOGLE AS CLOSELY RELATED TO
AMERICAN INNS OF COURT HAS
SUSPENDED ALL GMAIL ACCOUNTS OF
PETITIONER SHAO, INCLUDING
ATTORNEYLINDASHAO@GMAIL.COM, AND
SHAOLAWFIRMPC@GMAIL.COM**

Google

Google Account Help

Unable to access a Google product

If you've redirected to this page from a particular product, it means that your access to this product has been suspended. Read on for more information: Your access to this Google product has been suspended because of a perceived violation of either the Google Terms of Service or product-specific Terms of Service. For specific product guidelines, please visit the homepage of each Google product you're interested in for a link to its Terms of Service.

Google reserves the right to

- disable an account for investigation
- suspend a Google Account user from accessing a particular product or the entire Google Account system, if the Terms of Service or product specific policies are violated.
- terminate an account at any time, for any reason, with or without notice.

Next steps for suspended accounts: If you believe your access to this product was suspended in error, contact us.

11:49 AM 3/2/2018

**DOC#34 USING THE SAME FRAUDULENT
NOTICE TO THE EXTINCT EMAIL OF
ATTORNEYSHAO@GMAIL.COM, SIXTH
DISTRICT COURT OF APPEAL DISMISSED
THE VEXATIOUS LITIGANT APPEAL
(H042531; PETITION 18-800) BY FAKING
NOTICE.**

**IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA SIXTH APPELLATE DISTRICT**

LINDA SHAO,
Plaintiff and Appellant,

v.

**MCMANIS FAULKNER, LLP., Defendant and
Respondent.**

H042531

Santa Clara County No. CV220571

BY THE COURT:

The appellant having failed to file a brief after notice
given under rule 8.220(a), California Rules of Court,
the appeal is dismissed.

Dated: 7/10/2018 /s/ F. Elia, Acting P.J.

**DOC#35: WANG'S FILING ON 6/23/2015 IN THE
FAMILY COURT PROVES THAT PREFILING
ORDER DID NOT EXIST UNTIL AFTER
6/23/2015**

TSAN-KUEN WANG
IN PRO PER
SUPERIOR COURT OF CALIFORNIA, COUNTY
OF SANTA CLARA

PLAINTIFF: LINDA SHAO, ESQ.

DEFENDANT: TSAN-KUEN WANG, IN PRO PER

CASE NO.: 105-FL-126882

**RESPONSIVE DECLARATION TO REQUEST
FOR ORDER**

Hearing Date: 06-25-15 Time: 1:15 p.m. Dept. 95

8. X Other relief: Mater be dismissed

9. X Supporting information

See Attachment A.B.C.D.

Dated 6/23/2015 /s/ Tsan-Kuen Wang

ATTACHMENT A

(omitted)

There is no basis for reopening the discovery

The hearing was continued multiple times as Linda disqualified Judges multiple times.

The discovery does not impact custody as opposed to petitioner's statement. The next department 82 hearing date is September 2, 2015. There is no basis for reopening for discovery. Petitioner cannot ask for reopening the discovery just because she is not happy with the court order.

**Petitioner is declared as vexatious Litigant on
June 16, 2015 by Judge Maureen A. Folan.**

See attachment C for the court order declaring

Petitioner as vexatious litigant. The large volumes of

litigation the petitioner imposed upon me and this court reflected how petitioner abused the legal system as vexatious litigant, including this case of reopening for discovery.

(omitted)

ATTACHMENT C

FILED JUNE 16, 2015 10:56 A.M.

**SUPERIOR COURT OF THE STATE OF
CALIFORNIA COUNTY OF SANTA CLARA**

Linda Shao, plaintiff Vs. McManis Faulkner, LLP, et al. defendants	Case No. 112-cv- 220571 ORDER RE: Motion to Declare Linda Shao Vexatious Litigant
---	--

[omitted]

Page 9

A judgment is final for all purposes when all avenues for direct appeal has been exhausted. (Holocomb, supra at p.151; Childs v Paine Webber, Inc. (1994) 29 CA4th 982, 991]. Thus the pending appeal prevent this court from properly adjudicating Plaintiff vexatious litigant on the basis of the underlying Court of Appeal case .

p.10

This brings the total number of litigations for consideration under CCP 391(b)(I) to ten... (Note: exceed defendants' motion)

p.11

[quoted Judge Lucas's order that is pending appeal]

p.13

Defendants in the present case have successfully established that Plaintiff is a vexatious litigant. But they failed to show there is no reasonable

probability that Plaintiff will prevail in this litigation.

..

**DOC#36 UNCONSTITUTIONAL ORDER
FROM EXTRAJUDICIAL SOURCE—APRIL 29,
2016 ORDER OF SANTA CLARA COUNTY
COURT WITHOUT PROOF OF SERVICE AND
IS BLUR APPEARING A FAX FROM OUTSIDE
OF COURT.**

FILED April 29, 2016

**SUPERIOR COURT OF THE STATE OF
CALIFORNIA COUNTY OF SANTA CLARA**

In re Marriage of Linda Shao, Petitioner and Tsan-Kuen Wang	Case No. 105FL126882 ORDER TO CANCEL FILINGS, OFF- CALENDAR HEARINGS, AND REFUND FILING FEES
---	--

Petitioner, Linda Shao is a vexatious litigant. Clerk having filed 3 request for orders and Memorandum of Points and Authorities, in error, on April 26 and April 27, 2016 hereby cancels said filings and off-calendar hearings scheduled for June 2 and June 8, 2016 and orders reimbursement of 2 filing fees in the amount of \$90,00 each to Petitioner, Linda Shao. It is so ordered.

Dated: 4/29/16 /s/ Joshua Weinstein
Judge Joshua Weinstein
Superior Court, Santa Clara

Order to cancel Filings Off-calendar

Hearings and reimburse fees

[Note: no proof of service]

**DOC#37 SUA SPONTE ORDER OF PRESIDING
JUDGE RISE PICHON WITHOUT A NOTICE
NOR A HEARING DATED 5/27/2016**

FILED 5/27/2016

**SUPERIOR COURT OF THE STATE OF
CALIFORNIA COUNTY OF SANTA CLARA**

In re Marriage of Linda Shao, Petitioner and Tsan-Kuen Wang	Case No. 105FL126882 NOTICE FROM PRESIDING JUDGE RE: OBJECTION TO JUDGE JOSHUA WEINSTEIN' S ORDER OF APRIL 29, 2016
--	--

On April 29, 2016, Judge Joshua Weinstein issued an "Order to Cancel Filing, Off-Calendar Hearings and Refund Filing Fees" ("Order"), wherein he directed the cancellation of certain filings of petitioner Linda Shao ("Petitioner") - a vexatious litigant - and ordered related hearing dates off calendar. He additionally ordered that Petitioner be reimbursed the two filing fees she paid in connection therewith . Judge Weinstein issued the Order on the ground Petitioner failed to obtain permission from the presiding judge to file new litigation in accordance with the prefiling order issued against her on June 16, 2015 in Santa Clara County Superior Court Case No. 2012-l-CV-220571.

Petitioner subsequently filed an objection to the order on May 6, 2016. This Court responds to issues raised in the objection that directly or indirectly implicate the provisions of Code of Civil Procedure section 391.7 since the presiding judge is designated thereunder to exercise authority and responsibilities related to a prefiling order issued against a vexatious

litigant.

Petitioner insists the prefiling order does not require her to seek permission of the presiding judge to file a motion in this family law case and additionally complains she was not given notice or an opportunity to be heard before the Order was issued .

The prefiling order against Petitioner prohibits her "from filing any new litigation in the courts of California without approval of the presiding justice or presiding judge of the court in which the action is to be filed ." (Emphasis added.) For purposes of section 391.7, the term " 'litigation ' includes any petition , application , or motion other than a discovery motion , in a proceeding under the Family Code or Probate Code , for any order. " Thus, the prefiling order against Petitioner covers any motions or applications for orders to be filed in this family law case. Petitioner ' s suggestion that the prefiling order itself violates her constitutional rights is misplaced. "Section 391.7 does not deny the vexatious litigant access to the courts, but operates solely to preclude the initiation of meritless lawsuits and their attendant expenditures of time and costs. [Citation.] Vexatious litigant statutes are constitutional and do not deprive a litigant of due process of law. [Citations .]" (Bravo v. Jsmaj (2002) 99 Cal.App.4th 211, 221 -222.)

Since the subject filings consisted of two requests for orders and a supporting memorandum of points and authorities, the clerk ' s office should not have filed them absent an order from the presiding judge granting Petitioner leave to file the same . (See Code Civ . Proc. , § 391.7 , subd . (c).) If the clerk mistakenly files new litigation without such an

order, the following remedy is available under section 391.7 , subdivision (c) :

[A]ny party may file with the clerk and serve, or the presiding justice or presiding judge may direct the clerk to file and serve, on the plaintiff and other parties a notice stating that the plaintiff is a vexatious litigant subject to a prefiling order as set forth in subdivision (a). The filing of the notice shall automatically stay the litigation. The litigation shall be automatically dismissed unless the plaintiff within 10 days of the filing of that notice obtains an order from the presiding justice or presiding judge permitting the filing of the litigation as set forth in subdivision (b).

The remedial procedure under section 391 .7, subdivision (c) was not previously invoked in this matter, and section 391.7 does not otherwise authorize a judge to summarily strike or cancel a filing that does not comport with a prefiling order. With that said, it is unnecessary for the Order to be vacated because it was already processed ; this Court, but for the completed issuance and processing of the Order , would have invoked the procedure under section 391.7, subdivision (c) upon discovering Petitioner's unauthorized filings ; and Petitioner remains free to submit to this Court a request to file new litigation , which step should have been undertaken in the first instance.

Dated: **May 27, 2016**

/s/ Rise Jones Pichon

Rise Jones Pichon, Presiding Judge of the Superior Court

**DOC#38 JUDGE THEODORE ZAYNER
SILENTLY TOOK AWAY JURY TRIAL COURT
FILES OF THIS CASE INTO HIS CHAMBER
AND A VOLUME WAS "LOST" AS A RESULT
AS DISCOVERED ON 7/11/2017**

June 29, 2017

Via tzayner@scscourt.org and hand-delivery to Court
Services room

Supervising Judge Theodore C. Zayner (Dept. 6)

Superior Court of California

Santa Clara County

191 N. First Street

San Jose, CA 95113

Re 112CV220571 Linda Shao v. McManis

Faulkner, James McManis, Michael Reedy,

Catherine Bechtel

Dear Supervising Judge Zayner:

I was asking to have access to the court's file of
112CV220571 and have a copy for 2 orders,
7/30/2015's Order denying my motion to reconsider
vexatious litigant order or clarification of the
Prefiling Order, and 11/25/2015's Order denying
motion to change place of trial. **I was told
that you, as the Supervising Judge, the
supervisor of Judge Woodhouse, is examining
the court file for this case file and disallowed
me to have a copy of the two orders.**

Yet, I need those two orders by end of this week
due to due date of an appellate filing. I cannot wait
to get the two orders to be after the July 4's holiday.
Please kindly allow my office to either review file or
pick up the two orders from Court Services

room or fax to my office the two orders via (408) 418-4070, or email to me at attorneylindashao@gmail.com at your earliest convenience.

Thank you very much for your attention. Look forward to hearing from you at your earliest convenience.

Sincerely yours,

Yi Tai Shao, Esq.

CC: Presiding Judge Patricia Lucas via
plucas@scscourt.org

Trial Judge Judge Derrick Woodhouse via
dwoodhouse@scscourt.org

Michael Fox, Esq. via michaelfox@sedgwicklaw.com

OUT CARD

NOTE: Unauthorized removal of Court record or files from

custody is a felony: Government Code Section 6200 & 6201

Case No. 112cv220571 Shao vs. McManis- DOH
(redacted) 7/20/16

NOTE:

UNABLE TO LOCATE VOLUME 5 ON 7/11/2017
(written by Erick Rivas)

**DOC#39: SANTA CLARA COUNTY SUPERIOR
COURT'S NOTICE OF APPEAL THAT WAS 9
DAYS LATER THAN THE 5 DAYS' LIMIT IN
RULE 8.714 (DOC#1 NO. 29 ABOVE)**

Filed

August 10, 2020

County of Santa Clara

Superior Court of CA

Clerk of the Court

2012-1-CV-220571

By:

tturner

Signed: 8/10/2020 03:16 PM

In the Superior Court of the State of California

In and for the County of Santa Clara

Plaintiff: Linda Shao

Defendant: McManis Faulkner, LLP; James

McManis, Catherine Bechtel ; Michael Reedy

CLERK'S NOTICE OF APPEAL

YOU ARE HEARBY NOTIFIED, pursuant to
California Rules of Court, that Notice of Appeal
herein was filed on **July 27, 2020.**

Date: 8/10/2020 Clerk of the Court

Signed: 8/10/2020 03:16 PM

Clerk, by /s/ Tunisia Turner,

Deputy

Turnisia Turner

CERTIFICATE OF MAILING

I certify that I am not a party of this cause and that
a true copy of this document was mailed first class
postage, fully pre-paid, in a sealed envelop addressed
as shown below and the document was mailed at San
Jose, California, on 8/10/2020.

Clerk of the Court

Signed: 8/10/2020 03:16 PM

Clerk, by /s/ Tunisia Turner,

Deputy

Turnisia Turner

**Cc: Court of Appeal, Sixth Appellate District,
333 W. Santa Clara St. Ste.1080, San Jose, CA
95113**

Linda Shao, 4900 Hopyard Rd Suite 100 Pleasanton
CA 94588

David H Sussman 95 South Market Street Suite 410
San Jose CA 95113

Vincent O'Gara 88 Kearny Street Suite 1000 San
Francisco CA 941085530

**DOC.#40: 7/27/2020 ORDER OF THE
PRESIDING JUDGE OF SANTA CLARA
COUNTY SUPERIOR COURT APPROVING
FILING OF THE NOTICE OF APPEAL AND
FILED BY PRESIDING JUDGE'S
COURTROOM CLERK**

FILED JULY 27, 2020

Clerk of the Court

Superior court of CA County of Santa Clara

By Ligaya Balledteros Deputy

PLAINTIFF/PETITIONER: Linda Shao

**DEFENDANT/RESPONDENT: McManis Faulkner,
James McManis, Michael Reedy**

**ORDER TO FILE NEW LITIGATION BY
VEXATIOUS LITIGANT**

Type of case: Unlimited Civil

ORDER

Approved to file the attached document is

X Granted

X Attachment to order : *Notice of Appeal*

Date: 7-27-2020

/s/ Deborah A. Ryan

PRESIDING JUDGE OR JUSTICE

Judge Deborah A. Ryan

DOC#41: TWO DAYS' LATER, ON 7/29/2020, IN VIOLATION OF CALIFORNIA RULES OF COURT RULE 8-100(A), THE DEPUTY CLERK AS DIRECTED BY AR (ALEX RODRIGUEZ, WHO IS SUSPECTED TO BE A CLIENT OF JAMES MCMANIS) RETURNED THE CHECK FOR FILING OF \$775 WHICH PROVIDED THE COURT OF APPEAL A FALSE EXCUSE TO ISSUE THE SECRET DEFAULT NOTICE OF 12/7/2020, AFTER THE APPELLATE COURT CONCEALED THE NOTICE OF APPEAL FOR 111 DAYS.

**SUPERIOR COUR TO CALIFORNIA
COUNTY OF SANTA CLARA
DOWNTOWN COURTHOUSE-CIVIL DIVISION
191 NORTH FIRST STREET
SAN JOSE, CALIFORNIA 95113
(408) 882-2100**

Civil Filing Rejection Letter

Case Number: 2012-1-CV220571

This document is being returned for the following reasons.

[a check from SHAO LAW FIRM, PC

**Pay to the Order of California Court of Appeal
Sixth District \$775.00**

2012-1-cv-220571 /s/ Yi Tai Shao]

[omitted #1-11 which were blank]

12. x Other: Your documents have been filed.

**However, \$775 check must be submitted directly
to the Court of Appeal.** [initial: AR]

Date: 07/29/2020 Clerk of the Court

Clerk, by L. del Mundo, Deputy

**DOC#42 EVIDENCE SHOWING SHAO DID NOT
KNOW CREATION OF DOCKET OF H048651
NOR THE SECRET PAYMENT DEFAULT
NOTICE UNTIL 12/21/2020:**

From: Felix.Castuera@jud.ca.gov,
To: attorneyshao@aol.com,
Subject: H048651 - Shao v. McManis
Faulkner, LLP [Trial Court Case No: CV220571]
Date: Mon, Dec 21, 2020 6:04 pm
Attachments: H048651 Fee Notice.pdf (65K),

Hello Ms. Shao,
**Attached is the default notice sent on
December 7, 2020.**

Best,

Felix Castuera

Supervising Deputy Clerk

Felix.Castuera@jud.ca.gov

Court of Appeal, Sixth Appellate District

333 West Santa Clara Street, Suite 1060

San Jose, CA 95113

Direct Line: (408) 494-2530

Main Line: (408) 277-1004

**DOC#43 THE SECRET DEFAULT NOTICE
THAT WAS SENT BY EMAIL TO SHAO'S
EXTINCT EMAIL:**

ATTORNEYLINDASHAO@GMAIL.COM

**OFFICE OF THE CLERK CALIFORNIA COURT OF
APPEAL SIXTH APPELLATE DISTRICT**

333 West Santa Clara Street, Suite 1060 San Jose,
CA 95113 www.courts.ca.gov/6dca.htm Phone: (408)
277-1004 December 7, 2020

*******This is your only notice. You will not
receive a paper notice in the mail.*******

Yi Tai Linda Shao
Shao Law Firm, PC
4900 Hopyard Road, Suite 100
Pleasanton, CA 94588
RE: LINDA SHAO,
Plaintiff and Appellant,

v.

MCMANIS FAULKNER,
Defendant and Respondent.

H048651

Santa Clara County Super. Ct. No. CV220571

Dear Counsel:

This court has received a copy of the notice of appeal filed in this case. **The Court has not received the filing fee.** You must either deposit the \$775.00 filing fee with this court within 15 days or file an original application for waiver of court fees and costs with this court within 15 days. Failure to do so may result in the dismissal of your appeal pursuant to rule 8.100(c)(3), California Rules of Court.

Your Civil Case Information Statement with a copy of the judgment or appealed order that shows the

date it was entered is due within 15 days from the date the superior court clerk mailed the notification of filing of the notice of appeal, pursuant to rule 8.100(g) CRC. The statement must be accompanied by a proof of service on opposing counsel. Judicial Council form APP-004 has been adopted for mandatory use. A "fillable" PDF form is available at our website at

<http://www.courts.ca.gov/documents/app004.pdf>.

The court further requests that, within 15 days hereof, appellant(s) and respondent(s) complete and submit a Mediation Statement form which may be obtained at

<http://www.courts.ca.gov/documents/6DCA-Mediation-Statement-Form.pdf> (Cal. Rules of Court Local Rule 1(e)(2).) The statement must be accompanied by a proof of service on opposing counsel. The information you provide on the form will remain confidential and will be used for the sole purpose of screening this appeal for inclusion in the Mediation Program.

If you have filed a cross-appeal, in accordance with rule 8.216(a), in an appeal in which any party is both an appellant and a respondent, the parties must jointly, or separately if unable to agree, submit a proposed briefing sequence to this court within 20 days after the second notice of appeal is filed. The proposal may be filed in letter form.

Please visit our website for information regarding mandatory e-filing of motions and mandatory e-submission of copies of briefs. Please note that the decision making process begins upon the filing or expiration of time for filing the appellant's closing brief. Accordingly, the parties shall immediately

notify the court of the occurrence of any event,
including settlement, which may render the appeal
moot (see rule 8.244(a), California Rules of Court).

Very truly yours,

L. Brooks

Deputy Clerk

cc: Opposing Counsel

DOC#44: AFTER THE CLEAR ATTEMPT TO QUIETLY DISMISS THIS APPEAL FAILED, ON 12/22/2020, THE CLERK THEN NOTIFIED NEW REQUIREMENT-- TO FILE THE SECOND VEXATIOUS LITIGANT APPLICATION WHEN THERE WAS NO OBJECTION AT ALL FROM APPELLEES ON 12/22/2020.

OFFICE OF THE CLERK CALIFORNIA COURT OF
APPEAL SIXTH APPELLATE DISTRICT 333 West
Santa Clara Street, Suite 1060 San Jose, CA 95113
www.courts.ca.gov Phone: (408) 277-1004

December 22, 2020

Yi Tai Linda Shao
Shao Law Firm, PC
4900 Hopyard Road, Suite 100
Pleasanton, CA 94588

Re: LINDA SHAO,
Plaintiff and Appellant,
v.
MCMANIS FAULKNER, LLP,
Defendant and Respondent
H048651
Santa Clara County Super. Ct. No. CV220571

Dear Counsel:

Appellant Yi Tai Linda Shao was previously designated a vexatious litigant by the Superior Court of Santa Clara County. On July 27, 2020, appellant filed a notice of appeal without first obtaining an order from the presiding justice of this court granting permission to file the appeal as required by California Code of Civil Procedure section 391.7,

subdivision (c). The appeal is hereby stayed. The appellant is advised that failure to apply for an order from the presiding justice permitting the filing of the appeal within 10 days of the date of this notice will result in an automatic dismissal of the appeal. (Cal. Civ Proc. § 391.7, subd. (c).)

Very truly yours,
L.Brooks
Deputy Clerk

cc: Vincent O'Gara
David H. Sussman
Superior Court

DOC#45: BY OPERATION OF THE LAW (CCP 170.3(C)(4)), CALIFORNIA CHIEF JUSTICE HAD CONCEDED TO PETITIONER'S ACCUSATIONS OF JUDICIAL CONSPIRACY WITH JAMES MCMANIS AND RESPONDENTS WHO HAD NEVER OBJECTED TO SUCH ACCUSATION WHEN THEY HAD 50 DAYS TO RESPOND.

Filed on July 7, 2021 at 4:50:12 PM
S269711

**REQUEST FOR RECUSAL OF CHIEF JUSTICE
TANI G. CANTIL-SAKAUYE; VERIFIED
STATEMENT OF DISQUALIFICATION OF
CHIEF JUSTICE**

Petitioner declares under California Code of Civil Procedure Sections 170.6, 170.1 and 170.3 that Chief Justice Cantil Sakauye should be recused as any reasonable persons knowing the facts will believe that Petitioner cannot have a fair proceeding in front of Chief Justice Tani Cantil Sakauye ["Chief Justice"] based on the following facts:

1. **Chief Justice has undisclosed conflicts of interest with Respondents James McManis, Michael Reedy, McManis Faulkner, LLP,** through the undisclosed long term social relationship of American Inns of Court. Chief Justice was a President of Anthony M. Kennedy American Inn of Court and was invited to be a speaker at the William A. Ingram American Inn of Court's Symposium. James McManis is a leading attorney of American Inns of Court. Michael Reedy was President of the William A. Ingram American Inn of Court.

2. Chief Justice is likely a client of Respondent James McManis:

James McManis testified on July 20, 2015 during his deposition that there was one Justice at the California Supreme Court that is his client. All cases with severe disruption of justice arose from Shao v. McManis Faulkner, LLP, et al, 2012-1-cv-220571 or In re Marriage of Shao and Wang; yet, disregard of how urgent and important, all cases were consistently denied summarily by Chief Justice, which caused a reasonable suspicion that the Justice Client of Mr. McManis is likely the Chief Justice.

3. As the Chief Justice, she has a duty to oversee the conflicts of interest issues at the lower courts. The issue of conflicts of interests of the lower courts and Respondents has been brought to the attention of Chief Justice and this Court since 2017. On July 19, 2017, Chief Justice denied the Petition for Review in S242475 but granted judicial notice of the deposition transcript of James McManis and declarations of Meera Fox about the judicial conspiracy of the lower courts with Respondents to cause permanent parental deprivation of Petitioner. Paragraph 4 of Declaration of Meera Fox filed in H039823 stated:

“Since being sued by Ms. Shao for his malpractice, it has become important to Mr. Reedy and the law firm of McManis Faulkner, for whom Mr. Reedy works, to ensure that Ms. Shao not regain custody of her child, since as long as she does not get her child back, they can argue that their failure to advocate for her did not cause the damage that she suffered. Not coincidentally, the judges who have denied Ms. Shao the return of her child ever since have been very

close bedfellows with Michael Reedy and are two top executive members of his social "club," the William A. Ingram American Inn of Court."

In Paragraph 31, Ms. Fox concluded exposure of judiciary conspiracy among the Respondents and the lower courts trying to dismiss the child custody appeal (H040395).

She wrote:

"Any reasonable attorney or member of the public who knew of the sequence of events described above that occurred from March 12, 2016 through March 14, 2016 would believe that there was a conspiracy to dismiss Ms. Shao's appeals which involved at least Deputy Clerk of Court R. Delgado on behalf of Santa Clara County Superior Court, Justice Rushing of the California Sixth Appellate District Court of Appeal, and the firm of McManis Faulkner if not their attorneys. There is no other explanation for why R. Delgado would go in to work on a Saturday specifically for the sole purpose of creating false perjured documents to effect the specific relief required by McManis Faulkner to assert their collateral estoppel defense. There is no other explanation for why Justice Rushing would be expecting the falsified notices to arrive first thing that Monday morning and to explain how he had the appeals dismissed within 25 minutes of their receipt. There is no other explanation for why a presiding justice would be willing to violate an appellant's due process rights by summarily dismissing her appeals without anyone filing a motion to dismiss and without providing her any notice, in direct violation of the rules of court."

Please see Declarations of Meera Fox in Request for Judicial Notice in Support of Motion to Reconsider or Vacate Order of May 26, 2021 that was filed with H048651 on or about June 5, 2021.

In fact, the dismissal was consummated by Justice Grove acting on behalf of the Present Presiding Justice Mary J. Greenwood in May 2018 who is the wife of Judge Edward Davila, the judge starting the judiciary corruption plot of permanent parental deprivation of Petitioner.

Since 7/19/2017, Chief Justice was made known to the severe conflicts of interest of the lower courts but blindly refused to investigate who are the Justice clients to Respondent James McManis and refused to reverse the orders issued by the lower courts which should have been void as a result of such direct conflicts of interest.

The conflicts of interest taken judicial notice of by this Court on July 19, 2017 in Case 242475 include (1) attorney- client relationship of Respondent McManis and Santa Clara County Court, including one Justice at this Court and one justice at the Sixth Appellate District Court of Appeal are McManis's client, (2) colleague relationship where McManis serves as a Special Master for many years in Santa Clara County Court such that all judges at Santa Clara County Court are McManis's colleagues, (3) American Inns of Court's membership.

4. Regarding the 3rd relationship, as stated in the Petition for Review and attached to this Petition as the last two pages, App009 and 010, there is Judge Peter Kirwan's Order of December 15, 2019 for this proceeding at the trial court level. He found that his function at the American Inns of Court that interacts

with Respondents was a ground of recusal and so he recused himself from handling the case of 2012-1-cv-220571.

5. Based on Judge Kirwan's order, Chief Justice should be recused as just like Judge Kirwan, Chief Justice has had close interactions with Respondent James McManis and Respondent Michael Reedy through **the American Inns of Court**.

6. The following frauds of the lower courts are played under the direction of Respondent James McManis, but Chief Justice has blindly disregarded.

Frauds in this appeal H048651	Repeated patterns of prior irregularities
1. omitted the individual names of the defendants, including James McManis	<p>1. H042351, H045502</p> <p>2. California Supreme Court omitted individual defendants (McManis) names from the orders in all of the cases where James McManis is involved as sued by SHAO, including S0239186, S248449, S250729</p> <p>On or about October 16, 2017, US Supreme Court supervising Clerk Jeff Atkins directed the Deputy Clerk to remove the individual names from the dockets where James McManis was a Respondent. Thus, all of the dockets for Petition</p>

	<p>for Writ of Certiorari in 17-256, 17-613, 18-344, 18-800 did not list the individual names of Mcmanis.</p> <p>This fact indicates that James McManis illegally influenced all Courts involved</p>
2. Delay 111 days in creating a docket	In H042531, delayed 15 days in creating docket
3. posted default letter on 12/7/2020 and purposely concealed the letter from notice to SHAO by sending it to Shao's extinct email of attorneylinda shao@gmail.com which was blocked by Google from access, trying to dismiss appeal with the excuse of lack of civil case information statement.	<p><u>Patterns of misusing lack of civil case information statement as a false excuse to dismiss appeals on 4 prior instances:</u></p> <p>a. In H042531, the court issued default letter trying to dismiss with the excuse of lack of civil case information statement.</p> <p>b. In H042603, the court persistent on dismissal of appeal with <u>false excuse of lack of civil case information statement on 10/23/2015 then immediate purge all court records of the case on 11/25/2015.</u> In fact the civil Case information was filed.</p>

	<p>c. In H045501, dismissed appeal on 3/16/2016 for failure to file a case information statement on the court's own motion without a notice in violation of Rule 8.57.</p> <p>d. In H045502, dismissed appeal on 3/16/2016 for failure to file a case information statement on 3/16/2016 on the court's own motion without a notice in violation of Rule 8.57. Using attorneylindashao@Gmail.com to make false notices in dismissing both H040395 and H042531</p>
Silently posed without notice a letter Dated 12/7/2020 requiring mediation statement.	
4. Immediately after Shao filed the civil case information on 12/22/2020 then Presiding Justice	

<p>Mary J. Greenwood stayed the appeal with the excuse of vexatious litigant, even though the appeal was already filed by Santa Clara County Superior Court's Presiding Judge on July 27, 2020</p>	
<p>5. Dismissal on 5/26/2020 by denying vexatious litigant application for new litigation vexatious litigant</p>	<p>H043665 the court knowing denied a timely filed vexatious litigant application</p>
	<p>H043851 the court willfully dismissed appeal on the day Appellant filed Notice of Designation of record on appeal on 9/26/2016</p>
	<p>a. False non compliance letters issued on Saturday of March 12, 2016 and dismissed on March 14, 2016: H040977 and H040395</p>

	<p>b. Second false dockets alleging default letters issued on 2/27/2017 when no such letters in existence: H040977 and H040395</p> <p>c. Dismissal with false accusation of Shao's failure to prepare records when the court withheld record issuance by at least 3 years: H042531 and H040395</p> <p>False records of completion: H040977, H042531</p>
<p>6. Alteration of the docket in creating a false filing date of application for new filing to be May 26, 2021. (App.03: altered docket which was later corrected by the supervising clerk)</p>	

7. Chief Justice committed actual prejudice :
 Chief Justice recently retaliated against Petitioner by conspiring with State Bar of California trying to

suspend Petitioner's license with an illegal premature order. On July 29, 2020, without any notice, Chief Justice caused a case of S263527 to be opened against Petitioner and Petitioner was the only attorney named in that case, no other attorneys were involved in S263527. While the State Bar of California extended the due date to pay bar dues to September 30, 2020, Chief Justice signed the order two month prior to the due date to suspend Petitioner's bar license for lack of payment of bar dues. Chief Justice who is in charge of the State Bar of California, also sent letters to California Franchise Tax Board to impute income against Petitioner for the amount that Petitioner did not earn.

8 and 9. Chief Justice appears to be involved in covering up Respondent McManis's felonies in two cases

In addition, for this very proceeding, when State Bar opened a complaint, the State Bar under the supervision of Chief Justice erased the complaint against James McManis 20- O-07258 from the records of the State Bar.

Chief Justice reasonably appears to have been involved in conspiring with McManis to dismiss his case of 15-O-15200 that was pending with the Enforcement Unit for more than 3 years. Such dismissal took place within 2 weeks of McManis's conspiracy with Santa Clara County Superior Court in filing his motion to dismiss the trial proceeding of this case in violation of Local Rule 8(c), in taking advantage of Petitioner's being overseas for her missions.

In addition, related to this appeal--- felonious filing and alteration of the court's records of

McManis defendants' motion to dismiss, not only McManis's state bar case number was erased, the case against his attorney was also closed without any investigation. It appeared that it was Chief Justice who covered up the crimes of her buddy McManis.

10. Opposing party to Petitioner: Chief Justice is sued by Petitioner and is an opposing party for this lawsuit, pending with the U.S.D.C. for the District of Columbia with case number of 1:18-cv-01233RC.

Thus, there is direct conflicts of interest.

Therefore, Chief Justice's acts directly conflict with this Petition for Review as McManis's crimes that were included in 15-O-15200 and 20-O-07258 are subjects to this Petition for Review.

WHEREFOR, Petitioner respectfully requests Chief Justice be recused from deciding this Petition for Review.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 7, 2021

/s/ Yi Tai Shao

Yi Tai Shao

EXHIBIT 1: Evidence of Chief Justice's fraud in trying to silently suspend my bar license by a premature order made without any notice. Shao is the only "Licensees" in the order.

FILED July 29, 2020

Jorge Navarrete Clerk Deputy

S263527

IN THE SUPREME COURT OF CALIFORNIA

**IN THE MATTER OF THE SUSPENSION OF
LICENSEES OF THE STATE BAR FOR
NONPAYMENT OF FEES UNDER THE STATE
BAR ACT**

The Board of Trustees of the State Bar of California having filed, on the 27th day of July 2020 in this Court, its resolution recommending suspension from the practice of law, the attached list of licensees who failed to pay fees and/or penalties and/or costs as prescribed and required by law, and after due notice was sent to each licensees and demand for payment was made by the State Bar of California, and it being provided by Business and Professions Code section 6143 that any licensee so failing to pay shall have his or her license suspended;

IT IS ORDERED that each person hereinafter named is suspended from practice of law and from the rights and privileges of an attorney to act from and after October 1, 2020 and until payment of all current and accrued fees and/or penalties and/or costs is made.

IT IS FURTHER ORDERED that upon payment in *certified funds* of all current and accrued fees and/or penalties and/or costs, the suspension for nonpayment shall terminate and such persons may

be reinstated from suspension and to all rights and privileges, duties and responsibilities incident thereto; and

IT IS FURTHER ORDERED that until reinstated from suspension, each of the person named in the suspension list shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of the state, and from holding oneself out to the public as an attorney or counselor at law.

(LIST OF NAMES ATTACHED)

CANTIL-SAKAUYE

Chief Justice

**This State Bar notice of 8/14/2020 is fraudulent as SHAO was the only one attorney on the list
STATE BAR OF CALIFORNIA OFFICE OF
ATTORNEY REGULATION & CONSUMER
RESOURCES**

182768 Yi Tai Shao Active Current balance due\$719.00	Case No. S263527 NOTICE OF ENTRY OF ORDER OF SUSPENSION FOR NONPAYMENT OF FEES
--	--

TO THE PARTY NAMED ABOVE:

Your name appears on the list of attorneys delinquent in their payment of State bar annual fees, penalties, or costs, which has been transmitted to the California Supreme Court. The California Supreme Court entered an order of suspension for those attorneys appearing on the delinquent list. The suspension order will become effective October 1, 2020. A true and correct copy of the Court's order is included herein.

This notice is provided to you so that you have the opportunity to make the appropriate payment prior to the effective date of the order. To avoid suspension, valid payment of all current and accrued annual fees, penalties, or costs must be postmarked or initiated online no later than **September 30, 2020**. If your valid payment is properly submitted to the State Bar by September 30, 2020, your name will automatically be withdrawn from the delinquent list, preventing your license from being suspended for nonpayment of fees.

Please also be advised that suspension for nonpayment is pursuant to a court order, which is a

matter of public record. If you are suspended for nonpayment it will become a part of your official State Bar record and notice of such suspension will be listed on the State Bar's website. Also, once suspended, your fees and penalties will continue to accrue and your suspension will remain in effect until certified payment of all outstanding fees, penalties, or costs is made. Any attorney suspended for nonpayment will incur a \$100.00 reinstatement fee that will be assessed on October 1, 2020. All outstanding fees, penalties, or costs must be paid in full to reinstate.

Dated: August 14, 2020 By Dina DiLoreto
Program Director

**NOTICE OF ENTRY OF ORDER AND
CERTIFICATE OF MAILING
TO THE PARTY LISTED BELOW:**

You are hereby notified that an order in the below-entitled matter was entered on July 29, 2020.

**IN THE MATTER OF THE SUSPENSION OF
LICENSEES OF THE STATE BAR FOR
NONPAYMENT OF FEES UNDER THE STATE BAR
ACT**

I hereby certify that a true and correct copy of said order was mailed to your State Bar address of record on August 14, 2020.

/s/ Karen Na Ho

Attorney Regulation and Consumer Resources
The State Bar of California

**DOCKET of S263527—created when THE
APPEAL WAS FILED, CHIEF JUSTICE
conceded her CONSPIRED WITH MCMANIS
TO CREATE THIS CASE.**

=====
Appellate Courts Case Information

Supreme Court

Court data last updated: *08/24/2020 07:47 AM*

Docket (Register of Actions)

SUSPENSION NON-PAYMENT OF BAR DUES

Division: **SF**

Case Number **S263527**

Date	Description	Notes
07/27/ 2020	Motion for Suspension for non- payme nt of dues	Certified copies of recommendations of the Program Director for the Attorney Regulation and Consumer Resources Office of the State Bar of California July 27, 2020
07/29/ 2020	Suspension for non- payme nt of dues ordered	The Board of Trustees of the State Bar of California having filed, on the 27 th day of July 2020 in this Court, its resolution recommending suspension from the practice of law, the attached list of licensees who failed to pay fees and/or penalties and/or costs as prescribed and required by law, and after

		<p>due notice was sent to each licensee and demand for payment was made by the State Bar of California, and it being provided by Business and Professions Code section 6143 that any licensee so failing to pay shall have his or her license suspended;</p> <p>IT IS ORDERED that each person hereinafter named is suspended from practice of law and from the rights and privileges of an attorney to act from and after October 1, 2020 and until payment of all current and accrued fees and/or penalties and/or costs is made.</p> <p>IT IS FURTHER ORDERED that upon payment in <i>certified funds</i> of all current and accrued fees and/or penalties and/or costs, the suspension for nonpayment shall terminate and such persons may be reinstated from suspension and to all rights and privileges, duties and responsibilities incident thereto; and</p>
--	--	--

		<p>IT IS FURTHER ORDERED that until reinstated from suspension, each of the person named in the suspension list shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of the state, and from holding oneself out to the public as an attorney or counselor at law. <i>(LIST OF NAMES ATTACHED)</i></p>
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S263527 Appellate Courts Case Information
Supreme Court

Court data last updated: *08/24/2020 07:47 AM*

Case Summary

Supreme Court case	S263527
Court of Appeal Case(s)	No Data Found
Case caption	SUSPENSION NON-PAYMENT OF BAR DUES
Case category	State Bar-other
Start Date	
Case Status	Case closed
Issues	None
Case Citation	None
Cross-referenced cases	
No Cross Referenced Cases Found	

Appellate Courts Case Information

Supreme Court

Court data last updated: *08/24/2020 07:47 AM*

Disposition

SUSPENSION NON-PAYMENT OF BAR DUES

Division: SF

Case Number S263527

No Information found.

Appellate Courts Case Information

Supreme Court

Court data last updated: *08/24/2020 07:47 AM*

Parties and Attorneys

SUSPENSION NON-PAYMENT OF BAR DUES

Division: SF

Case Number S263527

No Information found.

No one could respond who caused Chief Justice to sign the July 29, 2020 order; After the State Bar received this email, they closed the Supreme Court case S263527; they updated the case information on this date of email—August 24, 2020

From: attorneyshao@aol.com
To: dina.DiLoreto@calbar.ca.gov,
Claudia.camacho@calbar.ca.gov
attorneyregulation@calbar.ca.gov
roy.kim@calbar.ca.gov

Subject: Demand for correction and request for information

Date: **Mon. Aug 24, 2020 9:24 am**

Attachment: Order of July 29, 2020 pdf (1918k),
State bar profile.pdf (560k)

Dear Ms. DiLoreto:

I just received an order from the Supreme Court which was dated July 29, 2020 to suspend my license for having not paid the bar due when the last date is September 30, 2020. Yet, it is very odd that the order of Chief Justice Tani Cantil-Sakauye was not entered into the docket of S263527. I would like to know if this is done by you.

Please kindly disclose the names of all persons involved with this Order of August 14, 2020 as attached. Chief Justice Cantil-Sakauye was sued by me for colluding with James Mcmanis, the leading attorney of American Inns of Court, in willfully refusing to investigate who is the client of Mr. Mcmanis. His case of 15-O-15200 was silently closed without any notice to me on September 25, 2019 when he conspired with Alex the supervising

clerk at California Santa Clara County Court to alter the efilings stamps of his attorney's motion to dismiss, filed silently on my back when I was overseas, in violation of local rule 8(c), without any reservation of the motion.

I have asked you to disclose your conflicts of interest but you failed to.

This Order is aiming at me alone, as there was no list other than a letter from the State Bar. Would you please give me a minutes showing the State Bar Trustees approved the letter to pre-order a suspension before late payment of bar is due? I have informed Ms. Karen Karho several times that the bar due notice for late payment is September 30, 2020. She was fully aware of the fact that I thought I had paid in 2019 for the bar due of 2020 and my bar profile was altered by the State Bar so that I was unable to access my bar payment record. See the attached profile before alteration. I notified the attorney regulation about my profile issue that I was blocked from knowing bar due payment history, then it was fixed after May 25, 2020. See my bar profile altered as attached.

Again, I look forward to hearing from you (1) notices of your intent to suspend my bar license for lack of payment, (2) minutes showing State Bar Board of Trustees about approving issuing the letter attached to recommend suspension of my bar license, (3) all persons involved for issuing the letter.

Attorney Yi-Tai Shao

SHAO LAW FIRM, PC

4900 Hopyard Road, Ste. 100

Pleasanton, CA 94588

Telephone: (408) 8733888 attorneyshao@aol.com

SHAO thought she had pre-paid the bar dues in good faith.

From: attorneyshao@aol.com

To attorneyregulation@calbar.ca.gov

Subject: Your 3/13/2020 notice

Date: Tue. May 8, 2020 4:09 pm

Attachment: 196AC2AC-A688-458F-9CAB-5EAD4A896009 jpeg (2131k)

Dear Staff:

I believe your notice was made in error as I had paid the bar due for 2020 immediately when it became available. See my credit card invoice as attached. I was out of California from 12/20 through 4/9.

If there is a question pls contact me. I did not see any prior email contact from you about this issue at all.

Pls call me at 4088733888 if you still have a comment.

Attorney Yi-Tai Shao
SHAO LAW FIRM, PC
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588
Telephone: (408) 8733888
attorneyshao@aol.com

**SHAO'S STATE BAR PROFILE WAS ALTERED
TO CONCEAL BAR DUE PAYMENT HISTORY**

From: attorneyshao@aol.com

To attorneyregulation@calbar.ca.gov

Subject: Your 3/13/2020 notice

Date: Sun, May 24, 2020 12:40am

**How come my State Bar Profile has no section
for payment or Bard Card?** Could you email me
my bar card or mail me my Bar Card?

Attorney Yi-Tai Shao

SHAO LAW FIRM, PC

4900 Hopyard Road, Ste. 100

Pleasanton, CA 94588

Telephone: (408) 8733888

attorneyshao@aol.com

[omitted the original email]

The last day to pay bar dues in 2020 was 9/30/2020.

From: attorneyregulation@calbar.ca.gov

To attorneyshao@aol.com

Subject: Thank you for contacting the State Bar of California

Date: Mon. Aug.24, 2020 9:24 a.m.

This is an Automatic Reply

Thank you for contacting ...

[omitted]

ANNUAL FEES

Annual Fees were originally due February 3, 2020 and late payment penalties were assessed for fees still not received by February 10, 2020. The final deadline to pay any outstanding individual licensing fees, penalties, and/or costs has been extended to September 30, 2020.

[omitted]

Exhibit 2

**Evidence of State Bar's covering up
Respondent James McManis's crimes and
purging all complaints against Respondent
McManis which is conceded made under the
direction of California Chief Justice—
purging #20-O-07258 against McManis**

Dismiss MCManis State Bar case without notice

From: Roy.Kim@calbar.ca.gov

To attorneyshao@aol.com

Subject: RE: State Bar Complaint, Case #20-O-
07257/20-O-07259

Date: Tue., Jul 14, 2020 11:41 a.m.

Attachment: b9be9b64-c315-4966-Iced-
525c98b13ef6.pdf (75k)

Please see attached closing letter. Contact
information may be found within as well.

Best,

[omitted]

Dear Mr. Kim Please give me all letters from the
State Bar regarding 15-O-15200. [omitted]

California Chief Justice stayed this 15-O-15200 since June 2016 with the excuse waiting for civil litigation resolution, and then silently dismissed it on 9/25/2019 when McManis was conspiring with California Santa Clara County Court to dismiss this case; wrong code was cited in the letter: Rule 5-100 was not complained by SHAO, but Rule 5-300(a)

THE STATE BAR OF CALIFORNIA

September 25, 2019

PERSONAL AND CONFIDENTIAL

Linda Shao

1999 S. Bascom Avenue, Suite 700

Campbell, CA 95008

RE: Case No.: 15-O-15200

Respondent: James Mcmanis

Dear Ms. Shao:

The State Bar has decided to close your complaint against James McManls.

Please understand that the State Bar cannot proceed with disciplinary charges unless we can present evidence and testimony in court, sufficient to prove by clear and convincing evidence that the attorney has committed a violation of the State Bar Act or the Rules of Professional Conduct. The violation must be serious enough to support both a finding of culpability and the imposition of professional discipline. In some cases, there may be evidence of attorney malfeasance or negligence, but this evidence may be Insufficient to justify the commencement of a disciplinary proceeding, or to be successful at a disciplinary trial.

After carefully reviewing the information you provided, as well as information from other sources, this office has concluded that we would not be able to prevail in a disciplinary proceeding.

You alleged that Mr. McManis violated RPC 5-100(A) by giving pro bono legal advice to judges In Santa Clara County. As evidence, you provided a July 2015 deposition transcript in which Mr. McManis testified to giving free legal advice to judges. Mr. McManis also testified that these judges were retired. Given this information, this office determined the evidence was insufficient to prove Mr. McManis violated RPC 5-100(A).

You also alleged that It was a conflict of interest for Mr. McManis to represent sitting judges in which he had cases In front of. Again, this office determined the evidence was insufficient to (second page missing from the filed document with California Supreme court)

Sincerely
Hay Buteyn
Investigator

Deposition of James McManis shows his admission of giving gifts to judges in violation of Rule 5-300 of California Rules of Professional Conduct.

LINDA SHAO,
Plaintiff,

v.

MCMANIS FAULKNER, LLP,, JAMES MCAMNIS,
CATHERINE BECHTEL, MICHAEL REEDY, AND
DOES 1-10
Defendants

**DEPOSITION OF JAMES MCMANIS
July 20, 2015 10:07 a.m.**

Reported by Lavonne Rodgers, CSR No.:9483

p.42

15 Q. How many judges that your firm represented the

16 Santa Clara County Superior Court?

17 A. I don't recall.

18 Q. What kind of matter that you represented these

19 judges?

20 A. I don't recall.

21 Q. **Were you personally involved with the**
22 representation of Santa Clara County
Superior Court?

23 MS. EVERSON: Objection. Lacks foundation.
THE

24 **WITNESS: I can recalling one instance in**
which I was.

P.46

3. Q. Did you represent these judges on their

4 personal **affairs?**

5 MS. EVERSON: Objection. Vague and ambiguous.

6 THE WITNESS: **I think that's a good**
description.

8 MS. SHAO: Q. So you agree,

9 A. Yes.

p.110

o. It was pro bono?

A. Yes.

o. **How many pro bone works you did for the judges?**

A. I don't know.

o. **Those were all about personal affairs?**

A. Yes.

p.118

5 either. But conversations with the judges. it would be

6 strictly verbal

P.119

o. **Everybody verbal?**

A. Yes.

p.121

18 Q. Do you have any clients in the California

19 supreme Court?

20 A. No.

21 No judge, no clerk?

22 A. The reason I am hesitating is a justice of the Supreme Court consulted me about some matters, but other than that, no.

P.122

9 A. There may have been a justice on the court of
10 Appeals that called me about matters which I
would say

11 were consultations. not a large number. and I
don't

12 recall who it would have been.

**CERTIFICATION OF CERTIFIED SHORTHAND
REPORTER**

Dated: 7/24/2015 /s/ Lavonne Rodgers

Certificate Number: 9483

decide, is premised upon “*appellate review has been had*”; yet there was no such appellate review preexisting in this case.

What the 12/14/2020 order affirmed was not one having had normal appellate review, but one without any meaningful appellate review—sua sponte dismissal of appeal without addressing any issues on appeal nor any issues of recusal, which denied Petitioner’s right to have a day in court. The D.C. Circuit sua sponte affirmed the trial court’s order, when the trial court also had dismissed the entire case by sua sponte. At the time of dismissal, there were 22 persons who had not yet made appearance including all federal judges and Supreme Court Justices who were in default, and default had been entered as to two of these defendants.

Therefore, 12/14/2020 Order only appears to be another judicial misconduct in willful refusing perform the Constitutionally mandated absolute duty to decide the merits. The merits never decided include declarative relief of impeachment of the 6 Justices and judicial immunity does not apply to declarative relief.

Judicial immunity also is not applicable to the six Justices as they were not sued for judicial act, not their refusal to be recused, but for their conspiracy in not to decide 8 matters properly presented to them (including 7 filed Requests for Recusal in 17-256, 17-613, 18-344, 18-569, 18-800, 19-613, and 1 Amicus Curiae Motion in 18-569).

(3) 12/14/2020 Order ignores the public policy and legislative intent of absolute judiciary duty to conduct meaningful appellate review and ignored 15 USC §29(a) which supports applicability of ¶1 of 28

U.S.C. §2109 to this case that requires this Court to remand the case to a court of appeal. Petitioner asked this Court to remand the case to the Second Circuit as the D.C. Circuit should be disqualified for having committed 7 court felonies/irregularities in this underlying appellate proceeding with case number 19-5014 and irregular sua sponte dismissal of appeal without reviewing any issues on appeal when the D.C. Circuit has undisputed conflicts of interest.

(4) 12/14/2020 order results in gross injustice in that Petitioner has not had a day in court, whether trial or appeal, but all issues of trial and appeal were all stymied and the merits of the case were undecided by all three levels of the federal courts from trial court to US Supreme Court. 12/14/2020 Order entails a public view that even though the 6 Justices did not participate in voting, the US Supreme Court continues to commit the big fraud in suppressing exposure of the large scale court crimes of the three federal courts in this proceeding as well as the new felonies and irregularities at this Court in this proceeding. In the proceeding of this Petition alone, this Court committed five new felonies/irregularities:

(a) concealment of Petitioner's Motion for Judicial Notice of the Amicus Curiae Motion of Mothers of Lost Children filed in 18-569 that was filed in November 2020,

(b) alteration of the docket of 18-569 to remove the filing record of the Amicus Curiae motion which this Court willfully failed to decide,

(c) alteration of the Request for Recusal by concealing existence of all Appendixes,

(d) for the 8th time, refused to decide the duly filed Request for Recusal.

(e) Two of the remaining three Justices Justice Gorsuch and Justice Kavanaugh, failed to disclose their conflicts of interest but participated in voting. Justice Gorsuch consired with the 6 Justices in not to decide the recusal against himself in Petition No. 18-569, and has conflicts of interest as it was the same act that this Petition asked the court to decide: declarative relief that the 6 Justices should be impeached for willfully, in conspiracy, failure to decide. In addition, both Justice Gorsuch and Justice Kavanaugh have financial conflicts of interest as they sponsored their clerks to receive substantial gifts under the color of "Temple Bar Scholarship" in 2018 and 2000 respectively, like the 6 recused Justices did, and the money donor, American Inns of Court is an Appellee in this case. 12/14/2020 Order should be reversed based on non-disclosure of conflicts of interest of these two Justices who formed the majority of the purported qualified Justices. (*Schmitz v. Ziverti*, 20 F.3d 1043 (9th Cir. 1994): non-disclosure of conflicts of interest mandates reversal of judgment.)(See the second Request for Reversal against them.)

(6) 12/14/2020's Order constitutes the 11th severe violation of the absolute judiciary duty to decide by the US Supreme Court; in addition to the 8 pre-existing violations, 3 further violations took place: failure to decide the 8th Request for Recusal, failure to decide the Amicus Curiae motion, and avoidance to decide merits of this Petition.

(7) Rehearing is justified based on new evidence of this Court's felonies and irregularities (Southard et

al. v. Russel (1853) 57 US 547): as discussed above in (4), there were 5 new felonies/irregularities on top of the felonies mentioned in the Petition: 29 felonies of the Supreme Court, 6 felonies of the D.C. Circuit and 19 felonies of Judge Rudolph Contreras at the U.S.D.C. for the D.C.

While this Court had altered all Requests for Recusal filed in the past three years which violated this court's "Guidelines for the Submission on Documents to the Supreme Court's Electronic Filing System," Rule 10 and subdivision (c), the new alteration of the R.R. filed in this Petition is worse than before in that for the prior 7 alterations, this court still acknowledged existence of the appendixes by a note: "Additional material from this filing is available in the Clerk's Office."; yet this time there is no such notice but an outright alteration of the court's record that concealed entirely existence of an appendix.

I. PETITIONER RESPECTFULLY REQUESTS A HEARING; REHEARING SHOULD BE GRANTED AS THE DECEMBER 14, 2020 ORDER IS VOID FOR BEING VAGUE AND 28 U.S.C. §2109, ¶2 SHOULD BE VOID FOR VIOLATING THE CONGRESSIONAL PUBLIC POLICY OF THE JUSTICES' MANDATORY DUTY TO DECIDE WHEN LOACK OF QUORUM.

A. 12/14/2020 Order is unconstitutionally vague
The Order of 12/14/2020:

"Because the Court lacks a quorum, 28 U.S.C. §1, and since the qualified Justices are of the opinion that the case cannot be heard and determined at the

next Term of the Court, the judgment is affirmed under 28 U.S.C. §2109, which provides that under these circumstances “the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court.” The Chief Justice, Justice Thomas, Justice Breyer, Justice Alito, Justice Sotomayor, and Justice Kagan took no part in the consideration or decision of this petition.”

Here, this court did not explain why “the case cannot be heard and determined at the next Term of the Court.” There is no case law that may explain what that means. This court has affirmed lower appellate opinion in Petitions that lacks the quorum because of judicial disqualification by using this conclusionary and ambiguous language of “the case cannot be heard and determined at the next Term of the Court” *without* any explanation. As discussed below, such practice violates the public policy and Congressional intent. Both this Order and ¶2 of 28 USC §2109 should be vacated for being vague, incomprehensible and void.

Rehearing should be granted where an order is uncertain or vague. See, e.g., *Nat'l Motor Freight Traffic Ass'n v. United States*, 372 U.S. 246, 246, 83 S. Ct. 688, 689 (1963); *Tod v. Waldman*, 266 U.S. 547, 548 (1925); *Southwestern Elec. Power Co. v. FERC*, 801 F.2d 289, 294 (DC Cir.1987). In *Hamling v. United States*, 418 US 87, 102 (1974), this Court invalidated 18 U.S.C. §1461 because it was “unconstitutionally vague.” Likewise, as analyzed below, the public policy and Congressional

Intent that were well established for more than 100 years in this Court should not be thrown away by the vague language of ¶2 of 28 U.S.C. §2109.

B. The public policy and long lasting Congressional intent on the Justices' absolute duty to decide requires this Petition be remanded to the Second Circuit for review.

1. Rules on lack of quorum since 1837A.D. in *Briscoe v. Commonwealth Bank*

In *Pollock v. Farmers' Loan Trust Co*, 158 U.S. 601, 603-04 (1895), this Court stated the principle on lack of quorum in this term that the issue should be deferred to the next term:

"I. The court early in its history adopted the practice of requiring, if practicable, constitutional questions to be heard by a full court in order that the judgment in such case might, if possible, be the decision of the majority of the whole court.

In *Briscoe v. Commonwealth Bank*, 8 Pet. 118, and *City of New York v. Miln*, 8 Pet. 120, 122, this rule was announced by Chief Justice Marshall in the following language:

"The practice of this court is, not (except in cases of absolute necessity) to deliver any judgment in cases where constitutional questions are involved, unless four judges concur in opinion, thus making the decision that of a majority of the whole court. In the present cases four judges do not concur in

opinion as to the constitutional questions which have been argued. The court therefore direct these cases to be reargued at the next term, under the expectation that a larger number of the judges may then be present.

The same cases were again called at the next term of the court, and the Chief Justice said the court could not know whether there would be a full court during the term; but as the court was then composed, the constitutional cases would not be taken up (9 Pet. 85). In a note to the cases upon that page, it is stated that during that term, the court was composed of six judges, the full court at the time being seven; there was then a vacancy occasioned by the resignation of Mr. Justice Duval, which had not yet been filled."

The rule laid down by Chief Justice Marshall has been frequently followed. Reference may be made to the case of *Home Insurance Company v. New York*, 119 U.S. 129, 148. Mr. Chief Justice Waite there announced that the judgment of the Supreme Court of the State of New York was affirmed by a divided court. At the time, Mr. Justice Woods was ill and absent during the whole of the term, and took no part in any of the cases argued at that term. There were, therefore, only eight members of the court present. A petition for reargument was presented upon the ground that the principle announced by Mr. Chief Justice Marshall should be followed, and that the constitutional question involved was sufficiently important to demand a decision concurred in by a majority of

the whole court. The petition was granted, 122 U.S. 636, and the case was not reargued until the bench was full. 134 U.S. 594, 597. This practice is recognized as established in Phillips' Practice, at page 380."

Clearly, ¶2 of §2109 and 12/14/2020 order conflicts with such long lasting rule.

2. Rehearing is material as ¶2 of §2109 has been repeatedly used which violated the Congressional intent of mandatory duty to decide appeals.

12/14/2020's Order cited "28 U.S.C. §2109" when it actually referred to only its ¶2. ¶1 was the original version of 28 U.S.C. §2109, which is derived from 15 USC §29. The Historical Note for ¶2 of §2109 is:

*"The second paragraph of the revised section is new. It recognizes the necessity of final disposition of litigation **in which appellate review has been had** and further review by the Supreme Court is impossible for lack of a quorum of qualified justices." [emphasis added]*

Here, the appeal was sua sponte dismissed without review by the D.C. Circuit on *any* and all issues for appeal in No. 19-5014. Therefore ¶2 of §2109 should be inapplicable because there has been no decision by the Circuit Court that Congress intended to occur before ¶ 2 would apply..

This issue is material and requires review as ¶2 of §2109 was repeatedly used to affirm lower appellate opinion with the same conclusive orders like 12/14/2020 Order but none of such cases contains any

reasoning, while ¶2 of §2109 conflicts with the Congressional intent and public policy of mandate judiciary duty to decide. E.g., *Am. Isuzu Motors, Inc. v. Ntsebeza*, 553 U.S. 1028 (2008); *Arizona v. Ash Grove Cement Co.*, 459 U.S. 1190 (1983).

¶1 of §2109 that was omitted from reference in 12/14/2020 Order was actually designed to ensure that the parties in antitrust and Interstate Commerce Commission cases, that used to have a direct appeal to this Court, would always have some form of appellate review. See H.R. Rep. No. 1317, 78th Cong., 2d Sess., 2 (1944). This Court discussed the history of ¶1 of §2109 in *United States v. District Court*, 334 U.S. 258 (1948). As this Court explained, the section was enacted to as a duplicate of 15 U.S.C. §29 to ensure, in direct appeals to this Court under the anti-trust laws, that a party had meaningful appellate review even in cases where this Court could not hear the case on direct appeal because of a lack of quorum of qualified Justices. The statute, in that situation, required this Court to certify the appeal to the Circuit Courts so that appellate review could occur. In *United States v. District Court*, 334 U.S. 258 (1948), this Court stated that the Congress detailed a procedure requiring the Supreme Court to follow in case of lack of a quorum to ensure seniority qualified judges to conduct appellate review:

“the case shall be immediately certified by the Supreme Court to the circuit court of appeals..., and it shall be the duty of the senior circuit judge of said circuit court of appeals, qualified to participate in the consideration of the case on the merits, to

designate immediately three circuit judges of said court... This Act shall apply to every case pending before the Supreme Court of the United States.”

Consistent with the Congressional intent stated in *United States v. District Court*, in 1974, 15 U.S.C. §29 was amended to create subdivision (a) to provide for Circuit Court review in antitrust cases.

However, 28 USCS§2109 was not updated to reflect the changes in 15 U.S.C. §29(a). Instead, 15 U.S.C. §29(a) provided that review of Circuit Court decisions “**shall be subject to review by the Supreme Court** upon a writ of certiorari”. (statutory language of §29(a))

In *United States v. Will*, 449 U.S. 200 (1980), this Court held that original version of 28 U.S.C. §2109 was designed to ensure that, a party would “always have some form of appellate review. *Id.* supra, 449 U.S. at 213 fn. 13. As 15 U.S.C. §29 had been changed, ¶1 of 28 U.S.C. §2109 should also be applied to all appeals and not limited to direct appeal cases.

This Court further stressed the Congressional intent since 1837 A.D. that a judge/justice’s duty to decide is “absolute” and paramount. In *United States v.*

Will, 449 U.S. 200 (1980), this Court stated:

“The House and Senate Reports on § 455 reflect a constant assumption that upon disqualification of a particular judge, another would be assigned to the case. For example:

"[I]f there is [any] reasonable factual basis for doubting the judge's impartiality, he should disqualify himself *and let another judge preside over the case.*" S. Rep. No. 93-419, p. 5 (1973) (emphasis

added); H.R. Rep. No. 93-1453, p. 5 (1973) (emphasis added).

The Reports of the two Houses continued:

"The statutes contain ample authority for chief judges *to assign other judges* to replace either a circuit or district court judge who become disqualified [under § 455]." S. Rep. No. 93-419, *supra*, at 7 (emphasis added); H.R. Rep. No. 93-1453, *supra*, at 7 (emphasis added).

The congressional purpose so clearly expressed in the Reports gives no hint of altering the ancient Rule of Necessity, a doctrine that had not been questioned under prior judicial disqualification statutes. The declared purpose of § 455 is to guarantee litigants a fair forum in which they can pursue their claims.

...[omitted]

And we would not casually infer that the Legislative and Executive Branches sought by the enactment of § 455 to foreclose federal courts from exercising "the province and duty of the judicial department to say what the law is." *Marbury v. Madison*, 1 Cranch 137, 177 (1803). "Id, p.216-7.

Therefore, ¶2 of 28 U.S.C. §2109 is at odds with the aforementioned Congressional Intent to certify appeal to qualified senior Judges at the Circuit Court of Appeal when the quorum of U.S. Supreme Court is not present because of disqualification, to ensure appellate review.

II. CONCLUSION

The 12/14/2020 Order is void as "cannot be heard or determined in the Next Term" is unconstitutionally vague, which is nothing but to be equal to another illegal failure to decide when Petitioner had not been

given a day in court. ¶2 of 28 U.S.C. §2109 is inapplicable to 12/14/2020 Order and is void for violating public policy. 12/14/2020 Order should be reversed based on 6 other grounds, including, two Justices' non-disclosure of conflicts of interest. The case should be remanded to the Second Circuit court of appeal as the D.C. Circuit has conflicts of interest where in addition to the 7 court crimes/irregularities, three Justices/appellees are/were alumni judges of the DC Circuit.

Dated: January 7, 2021 Respectfully submitted,

SHAO LAW FIRM, PC

/s/ Yi Tai Shao

Yi Tai Shao, in pro per.

EXHIBIT A TO PETITION FOR REHEARING
USPS RECEIPT

Mountain View

211 Hope St.

Mountain View, CA 94041

1/8/2021 12:30 p.m.

Priority Mail 2-Day 1 \$7.75

Washington, DC 20543

Flat Rate

Expected Delivery Date

Mon 01/11/2021

Tracking #:9510814349511008590515

Insurance \$0

Signature \$3.15

Total \$10.10

01/08/2021 12:31 p

Money Order \$200

[omitted details]

Handling order fee \$1.25

Total \$201.25

[omitted]

EXHIBIT B TO PETITION FOR REHEARING

This mail was intercepted and transited by
anonomous facilities from January 8, 2021 to January
16, 2021; then took 4 days from Maryland to the
Supreme Court

USPS Tracking

Tracking Number: 9510814349511008590515

Delivered January 19, 2021 at 6:11 a.m.

Delivered

WASHINGTON, DC 20543

Tracking History

January 19, 2021, 6:11 am

Delivered

WASHINGTON DC 20543

Your item was delivered at 6:11 am on January 19,
2021 in WASHINGTON, DC 20543 to SUPREME
COURT 20543. This item was signed for by L.
JOHNSON.

January 17, 2021, 10:45 am

Available to Pickup

January 17, 2021 9:43 am

Arrived at Hub

WASHINGTON DC 20018

January 17, 2021 4:36 am

Arrived at USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

January 17, 2021 3:54am

Departed USPS Regional Facility

LINTHICUM HEIGHTS MD DISTRIBUTION
CENTER

January 16, 2021, 7:26pm

Arrived at USPS Regional Destination Facility
LINTHICUM HEIGHTS MD DISTRIBUTION
CENTER

January 16, 2021, 7:22 am

Arrived at USPS Regional Facility
EASTON MD DISTRIBUTION CENTER

January 12, 2021

In Transit to Next Facility

January 8, 2021, 6:51pm

Departed USPS Regional Original Facility
SAN FRANCISCO CA DISTRIBUTION CENTER

January 8, 2021, 6:51pm

Arrived at USPS Regional Original Facility
SAN FRANCISCO CA DISTRIBUTION CENTER

January 8, 2021, 4:07pm

Departed Post Office
MOUNTAIN VIEW, CA 94041

January 8, 2021, 12:37 pm

USPS in possession of item
MOUNTAIN VIEW, CA 94041

EXHIBIT C TO PETITION FOR REHEARING

20-524 Petition for Rehearing and Request for
Recusal

From: attorneyshao@aol.com

To: aisl@acklaw.com, maler@acklaw.com,
mbarnsback@ohaganmeyer.com,
cgentry@ohaganmeyer.com,
mlnottingham@duanemorris.com,
JLassart@MPBF.com, amontastler@mpbf.com,
mccoby@aol.com, lwhlte@wsgr.com,
dgrubbs@wsgr.com, bjfadem@fademlaw.com,
SupreCIBriefs@USDOJ.gov, dr.jorlando@yahoo.com,
ckatzenbach@kkcounsel.com,
elise@e-mitchell-law.com, elise@emitchell-law.com,
S

**subjectL 20-424 Petition for Rehearing and
Request for Recusal**

Date: Fri, Jan 8, 2021 1:48pm

Attachments: 20_524 Petition for rehearing
20210107.pdf (1934k), RR.pdf (387k), C word
rehearing 20524.pdf (69k), certificate of service
20210107.pdf (154k)

Attorney Yi-Tai Shao
SHAO LAW FIRM, PC
4900 Hopyard Road, Ste. 100
Pleasanton, CA 94588
Telephone (\$08) 873-3888
attorneyshao@aol.com

POSTAL OFFICE OF TAIWAN

RECEIPT FOR MAILING

Taiwan postage purchase receipt for mailing the filed
documents on 1/8/2021 (Taiwan time, when was
1/7/2021 Eastern time)
\$703

**EXHIBIT D&E: CALL LOGS TO JEFF ATKINS,
SUPERSING CLERK AT THE CLERK'S OFFICE
OF THE US SUPREME COURT ABOUT THE
COMING PETITION FOR REHEARING**
[Omitted other calling]

+12024793263

Skype Audio 2021/1/12

James (3) 2021/1/12

Messenger Audio

+12024793263

Skype Audio 2021/1/12

[omitted]

+12024793263

Skype Audio FRIDAY

[omitted]

+12024793263

Skype Audio 2021/1/20

EXHIBIT F MANDATE OF 1/15/2021

Supreme Court of the United States
Office of the Clerk
Washington DC 20543-0001
January 15, 2021
Clerk
United States Court of Appeal for the District of
Columbia
E. Barret Prettyman
U.S. COURTHOUSE AND William B. Bryant Avenue
333 Constitution Ave., N.W.
Washington, DC20001
Re: Yi Tao Shao v. Johan G. Roberts, Jr., Chief
Justice, Supreme Court of the United States, et al.
No. 20-524 (Your docket No. 19-5014)
Dear Clerk:
Attached please find a certified copy of the judgment
of the Court in the above-entitled case
Sincerely,
SCOTT S. HARRIS, Clerk
By: /s/ Herv'e Bocage
Herve Bocage
Judgment/Mandates Clerk
[Omitted the same letter to Petitioner and the
1/15/2021 Mandate]

EXHIBIT G TO THE PETITION FOR REHEARING

This Court removed the 12/14/2020 Order from the docket then put back after the hacker noticed that Petitioner discovered it on January 13, 2021 (Taiwan time; January 12, 2021 Eastern Time)

No.20-524

Title Yi Tai Shao, Petitioner v. John G. Roberts, Chief Justice, Supreme Court of the United States, et al.

Docketed: October 20, 2022

Lower Ct: United States Court of Appeals for the District of Columbia Circuit

Case Number (19-5-14)

Decision Date: November 13, 2019

Rehearing Denied: February 5, 2020

Jul 02 2020	Petition for a writ of certiorari filed
Oct 22 2020	Waiver of right of Respondents Roberts, John
Nov 04 2020	Request for recusal from Petitioner received
Nov 09 2020	Amicus Brief of Mothers of Lost Children submitted
Nov 24	DISTRIBUTION for conference of 12/11/2020

[omitted of parties and attorneys]

Details

January 13, 2021 7:15 PM

**Screenshot_20210113-191546_Samsung
Internet.jpg**

/internal storage/DCIM/Screenshots

Two minutes later 12/14/2020 order was added back

No.20-524

Title Yi Tai Shao, Petitioner v. John G. Roberts, Chief Justice, Supreme Court of the United States, et al.

Docketed: October 20, 2022

Lower Ct: United States Court of Appeals for the District of Columbia Circuit

Case Number (19-5-14)

Decision Date: November 13, 2019

Rehearing Denied: February 5, 2020

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Oct 22 2020	Waiver of right of Respondents Roberts, John
Nov 04 2020	Request for recusal from Petitioner received
Nov 09 2020	Amicus Brief of Mothers of Lost Children submitted
Nov 24	DISTRIBUTION for conference of 12/11/2020
Dec 14 2020	Because the Court lacks a quorum, 28 U.S.C. §1, and since the qualified Justices are of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 USC §2109, which provides that under these circumstances, the court shall enter the order affirming the judgment of the court from which the

	case was brought for review with the same effect as upon affirmance by an equally divided court. The Chief Justice, Justice Thomas, Justice Breyer, Justice Alito, Justice Sotomayer, and Justice Kagan took no part in the consideration of decision of this petition.
--	---

[omitted of parties and attorneys]

Details

January 13, 2021 7:17 PM

**Screenshot_20210113-191749_Samsung
Internet.jpg**

/internal storage/DCIM/Screenshots

EXHIBIT H: On January 16, 2021 Eastern Time, this Court took off from the docket of 1/15/2021 Judgment then put it back; this indicates that the SUPrem Court is connected with the hacker that has been stalking on Petitioner including burglaries since January 2018

No.20-524

Title Yi Tai Shao, Petitioner v. John G. Roberts, Chief Justice, Supreme Court of the United States, et al.

Docketed: October 20, 2022

Lower Ct: United States Court of Appeals for the District of Columbia Circuit

Case Number (19-5-14)

Decision Date: November 13, 2019

Rehearing Denied: February 5, 2020

Jul 02 2020	Petition for a writ of certiorari filed
Oct 22 2020	Waiver of right of Respondents Roberts, John
Nov 04 2020	Request for recusal from Petitioner received
Nov 09 2020	Amicus Brief of Mothers of Lost Children submitted
Nov 24	DISTRIBUTION for conference of 12/11/2020
Dec 14 2020	Because the Court lacks a quorum, 28 U.S.C. §1, and since the qualified Justices are of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28

	USC§2109, which provides that under these circumstances, the court shall enter the order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court. The Chief Justice, Justice Thomas, Justice Breyer, Justice Alito, Justice Sotomayer, and Justice Kagan took no part in the consideration of decision of this petition.
--	---

[omitted of parties and attorneys]

Details

January 17, 2021 4:13 AM

42 minutes later 1/15/2021 Mandate was put back

EXHIBIT I: About 6 hours later, a second round of alteration of docket took place where the Supreme Court removed January 15, 2021 Judgment the second time

No.20-524

Title Yi Tai Shao, Petitioner v. John G. Roberts, Chief Justice, Supreme Court of the United States, et al.

Docketed: October 20, 2022

Lower Ct: United States Court of Appeals for the District of Columbia Circuit

Case Number (19-5-14)

Decision Date: November 13, 2019

Rehearing Denied: February 5, 2020

Jul 02 2020	Petition for a writ of certiorari filed
Oct 22 2020	Waiver of right of Respondents Roberts, John
Nov 04 2020	Request for recusal from Petitioner received
Nov 09 2020	Amicus Brief of Mothers of Lost Children submitted
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	judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court. The Chief Justice, Justice Thomas, Justice Breyer, Justice Alito, Justice Sotomayer, and Justice Kagan took no part in the consideration of decision of this petition.
--	--

[omitted of parties and attorneys]

Details

January 17, 2021 10:29AM

Scrrenshot_20210117-102920_Samsung

Internet.jpg

/internal storage/DCIM/Screenshots

EXHIBIT J Present altered docket of 18-569
and many emails asking the US Supreme Court
to make correction
[omitted]

EXHIBIT K original docket of 18-569 before
alteration was filed with the DC Circuit in
19-5014 in #1787004 [omitted]

EXHIBIT I: About 6 hours later, a second round of alteration of docket took place where the Supreme Court removed January 15, 2021 Judgment the second time

No.20-524

Title Yi Tai Shao, Petitioner v. John G. Roberts, Chief Justice, Supreme Court of the United States, et al.

Docketed: October 20, 2022

Lower Ct: United States Court of Appeals for the District of Columbia Circuit

Case Number (19-5-14)

Decision Date: November 13, 2019

Rehearing Denied: February 5, 2020

Jul 02 2020	Petition for a writ of certiorari filed
Oct 22 2020	Waiver of right of Respondents Roberts, John
Nov 04 2020	Request for recusal from Petitioner received
Nov 09 2020	Amicus Brief of Mothers of Lost Children submitted
Nov 24	DISTRIBUTION for conference of 12/11/2020
Dec 14 2020	Because the Court lacks a quorum, 28 U.S.C. §1, and since the qualified Justices are of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 USC §2109, which provides that under these circumstances, the court shall enter the order affirming the

	judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court. The Chief Justice, Justice Thomas, Justice Breyer, Justice Alito, Justice Sotomayer, and Justice Kagan took no part in the consideration of decision of this petition.
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[omitted of parties and attorneys]

Details

January 17, 2021 10:29AM

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(hacker took it

[omitted of parties and attorneys]

Details

from App.181)

January 13, 2021 7:17 PM

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**DOC: #47 letter of 1/29/2021, 10 days following receipt,
the Supreme Court rejected filing of Petition for
Rehearing**

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543**

January 29, 2021

Linda Shao

4900 Hopyard Road

Suite 100

Pleasanton, DA 94588-7101

RE: YI TAI SHAO v. John G. Roberts, Jr. Chief Justice, et al
No. 20-524

Dear Ms. Shao:

The petition for rehearing in the above entitled case,
postmarked January 8, 2021, and received January 22, 2021,
is herewith returned.

Because the Court lacks a quorum in this case, 28 USC
Section 1, the Court cannot take action on the petition for
rehearing.

Your \$200.00 Money Order is herewith returned.

Sincerely

Scott S. Harris, Clerk

By Michael Duggan (202) 479-3025